



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 12.35 p.m.

Gibraltar, Monday, 14th January 2013

## The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

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

### PRAYER

*Mr Speaker*

## Order of the Day

### CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Monday 14th January, 2013.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 17th and 20th December 2012.

5 **Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye)

*Mr Speaker signed the Minutes.*

10 **Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees; (viii) Answers to Oral Questions.

## Questions for Oral Answer

15

**CHIEF MINISTER**

**Floating hostel  
Government arrangements**

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**Clerk:** We will be starting off this morning with Questions which are to be answered by the Hon. the Chief Minister.

Question 80/2013, the Hon. D J Bossino.

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**Hon. D J Bossino:** Mr Speaker, first of all, before I ask the Question formally, simply to express my gratitude to the Clerk for the indication given to me earlier that I would be starting the Questions this morning and the notice that there would be a disruption to the Order Paper in that regard.

Mr Speaker, can the Government provide details of the arrangements that the Government has entered into in relation to the acquisition of the floating hostel?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I do not recognise that there is any disruption to the Order Paper by my Questions being taken now but I should just add that although it is the habit that I answer Questions at 3.00 pm on a Thursday, I expect to be travelling this week and, given that I have three Questions, I thought it appropriate to deal with them this morning.

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On 6th August 2011 an agreement was entered into for the potential acquisition of the floating hostel, *Bibby Kalmar*, at a purchase price of £1.75 million. A refundable deposit of £300,000 has been paid to date by GCP Investments Limited, which is the Government owned company that will acquire the vessel. Completion would take place once certain repairs are carried out by the sellers in order for the vessel to meet the necessary classification standards and be deemed to be fit for purpose. These repairs are currently underway and should be completed shortly.

The Government is also exploring the possibility of leasing the floating hostel from its present owners instead of completing on the acquisition.

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**Hon. D J Bossino:** Mr Speaker, from the Chief Minister's reply, it appears that there has been a sum of about £1.7 million, I think that was correct, a sum of £1.7 million paid over to the owners. Is that not the case?

I would be grateful for clarification.

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**Hon. Chief Minister:** No, Mr Speaker, what I said in my first answer is that a refundable deposit of £300,000 has been paid towards the purchase price of £1.75 million. The £1.75 million has not been paid, only £300,000.

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**Hon. D J Bossino:** Mr Speaker, presumably there is a commitment, a contractual commitment on behalf of the Government for Government-owned companies to pay the £1.75 odd million. Is that correct?

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**Hon. Chief Minister:** If the seller can satisfy the Government that it has delivered the vessel to the standard which the Government has required. I will read the hon. Gentleman that part of my first answer again:

'Completion *would* take place once certain repairs are carried out by the sellers in order for the vessel to meet the necessary classification standards and be deemed to be fit for purpose.'

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Not otherwise.

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**Hon. D J Bossino:** Mr Speaker, should the seller, indeed, meet its contractual obligations, presumably the completion would take place and the money would be paid over to the seller. In those circumstances, can I ask the Chief Minister how that sits with his previous replies to this House, to the effect that this will be providing an interim solution. It seems quite a lot of money for an 'interim solution'.

**Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman needs to consider two aspects of what I

75 have said. First, the possibility of leasing the floating hostel, which is also being considered as an alternative to completion, and the fact that we would acquire the floating hostel but it would be an asset worth that amount, which is moveable and sellable. If he looks at what these types of floating hostels cost, then he will see that that is an asset which is easily sellable again, once we have completed the use for it in Gibraltar. So it is not acquiring an asset of £1.75 million, which is then not moveable and cannot be sold, it is something which, when one has finished the use one has for it, *can* be sold either for the same value, for more or for less, depending on what market conditions might be at the time.

80 The hon. Gentleman may know that, given the slump in construction around the world, there has been *less* use for this type of floating hostel which is sometimes used for workers. As the world economy comes back and there is work carried out, construction work carried out around the world, it may be there is even more value to this hostel in the future, *if* we acquire it, if we go down the route of acquiring it.

85 **Hon. D J Bossino:** In terms of the leasing arrangements, may I explore that a bit further. Is the Chief Minister telling this House that it would lease the assets from the current owners and, therefore, the current potential sellers or would it enter into some sort of lease-back arrangements, once purchased, with the sellers? Is that the – if I could explore that a bit further from his reply.

90 **Hon. Chief Minister:** No, Mr Speaker, what I am telling the House is that the Government is considering, instead of acquiring the vessel, leasing it from the potential buyers. That is what the Government is presently considering.

95 There was a possibility of the Government acquiring the vessel and leasing it back to the company that was selling it to the Government, if that company also had a requirement elsewhere for this type of accommodation but that is not what is presently being considered. What is being considered is, instead of a purchase, the possibility of a lease with this company.

100 **Hon. D J Bossino:** Mr Speaker, I need to explore this a bit further because, if the Government is, in effect, contractually bound to complete on the sale and, presumably, it will be in that situation in the event that the seller complies with its conditions, unless I misunderstood him, then presumably the opportunity to explore other avenues such as a lease arrangement is simply not there.

105 **Hon. Chief Minister:** Well, Mr Speaker I beg to differ with the hon. Gentleman. If one is in a strict contractual relationship where one is not able to explore anything else with the counter party, then one is already at the stage in that contractual relationship where the parties have lost good faith. That is not the stage which we are at with this potential seller. There is the possibility of exploring *other* ways of bringing the floating hostel to fruition, where we want it to be for workers in Gibraltar and it may be that we do not have to complete on the sale, even if the conditions precedent for the sale are complied with by the seller.

110 We have a fluid relationship with them and I expect he will want to congratulate the Government in its negotiating prowess.!

115 **Hon. D J Bossino:** Can he also confirm that, as part of these contractual arrangements, irrespective of what happens, it is indeed possible, should the solution – the ultimate solution – be found, for which this was an interim solution, that Gibraltar would not necessarily be lumbered with the floating hostel within its ports or within its territorial waters. Is that still a possibility and can the Chief Minister confirm that, please?

120 **Hon. Chief Minister:** That is not just a possibility, Mr Speaker, that is the way the Government has handled this from the beginning. There is no question of us being *lumbered* with something that (a) we need and (b) is potentially an asset for us to dispose of when we no longer need it.

125 **Health-related charities discouraged by GSD  
Confidential list**

**Clerk:** Question 82, the Hon. Mrs. I M Ellul-Hammond.

130 **Hon. Mrs. I M Ellul-Hammond:** Mr Speaker, in relation to the answer of the supplementary to Question 921/2012, can the Chief Minister advise when he will be writing to me confidentially to share the information requested, i.e. to provide the list of health-related charities the Government claims the GSD discouraged the work and contributions of.

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

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, I will provide the information requested before the close of business on Wednesday 9th February 2013, in the form and on the terms set out in my earlier answers.

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**Potential investors in Gibraltar  
Details to be provided**

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**Clerk:** Question 83, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, is the Chief Minister finally in a position to provide details of the potential investors to Gibraltar which he said, prior to the Election, he was in discussions with, together with the investment they will be making, bearing in mind that, in answer to Question number 81/2012, a whole year ago, he told me that those discussions had already borne fruit?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, although we are working towards finalising these potential investments, the Government is not yet in a position to make any announcements. When we are able to do so, we will certainly do so and I trust he will then be welcoming of such inward investment.

**Hon. D A Feetham:** Well, Mr Speaker, any inward investment that comes into Gibraltar would certainly be welcomed by the Opposition but is the Chief Minister now shifting his position? There appears to be a discrepancy between the answer that he gave me in January of last year and the answer that he is giving me today.

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In January last year, when I asked him about the answer that he had given Gerard Teuma in a television interview in May 2012 about these potential investors he said he had up his sleeve, I asked him whether those discussions had borne fruit and he said 'Yes'. Now he appears to be indicating that, in fact, there appears to be some finalising in any discussions or negotiations that he is having with these investors.

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I mean, what is the position? Is it the position that the discussions have borne fruit, that, effectively, the Government of Gibraltar has been able to negotiate some investment coming into Gibraltar, that he said that he was in discussions with as far back as May 2011, or is it that those discussions are on-going and he still has to finalise the negotiations?

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**Hon. Chief Minister:** Mr Speaker, there is no contradiction and no shift.

The fact is that people who I was in contact with before the Election have been in serious discussions with the Government and negotiations about potential investments but they have not yet been finalised. I do not see where the hon. Gentleman can find that there is a changing of position, other than in trying to suggest that the Government, simply because it has not yet made an announcement about *actual* investment, has not seen the thing borne by a fruit.

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I consider, Mr Speaker, that if you are in contact with people before an Election and, after that Election, they do come to Gibraltar, they start negotiations with you to make investments in Gibraltar, then that is bearing fruit and, when that fruit matures, you make an announcement to say the investment has now been made. So, look, I hope that what he does is accept that, when the maturity of this fruit comes about and there is an announcement, that this should be welcomed across the floor of the House as a positive development. I recognise that what he is doing, in putting his question and his supplementary, is trying to embarrass the Government, which is a potential way of doing Opposition.

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**Hon. D A Feetham:** Well Mr Speaker, me embarrassing the Government, perish the thought. That is not the intention at all. I mean I am here to elicit, I am here to elicit information from the Government.

The reality of the situation is that the Hon. the Chief Minister created the impression, on a number of occasions that I have asked this question – and I have asked this question on a number of occasions – that, effectively, he already had, lined up, potential investors coming into Gibraltar. That is the impression that he has been creating over the course of a year. Now, all of a sudden, he says 'Well, no. No, it needs to be finalised.'

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Is it not the reality of the situation that it is very easy for the Government to just simply stand up without identifying – and I have asked the Government to identify, to give us some more detail in relation to these potential investors – it is very easy for the Government to stand up and to say, 'Yes we are...'

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those discussions have borne fruit', without actually providing any details.

200 In reality, the situation is that, in May 2011, he gave an interview, saying that he had these potential investors up his sleeve, in the same way as the GSLP in 1988 had – and they did have – potential investors that they had lined up when they got into Government in 1988. You saw the fruit of that between 1988 and 1989, but we are now over a year into his term in office and still there are no announcements as to these investors.

205 It is very easy for the Government to just simply say, to give an answer, 'Yes, we have got these investors' – and, over a year down the line, he has not provided any details. Is he bluffing or does he have any investors? Can he provide the details that I have asked him in the past about these investors, to actually demonstrate to this House that he does have something lined up?

210 **Hon. Chief Minister:** Well, Mr Speaker, in terms of bluffing, there seems to have been more bluffing going on in respect of who the next Leader of the Opposition will be than the Government would ever engage in!

215 There is no question of the Government having been bluffing. What the hon. Gentleman needs to understand is that, in order to, these days – as I am sure between 1988 and 1989 – to finalise an investment there is a lot to go through between a Government and a private investor and, as soon as those hurdles, negotiations etc., are gone through, an announcement will be made.

220 I will take great pleasure, Mr Speaker, when the time comes – not just because this is going to represent investment to Gibraltar but because it will demonstrate to the hon. Gentleman that, far from bluffing, the Government, when not yet in office, was very well prepared indeed for what its obligations were to be upon assuming office – in making the announcement, when it comes.

I would ask the hon. Gentleman for patience but I know it is not one of his many qualities.

**Hon. D A Feetham:** No, Mr Speaker, not on this occasion.

225 Can he at least provide the Opposition with some information as to when he feels that these negotiations are going to be finalised, bearing in mind that he already told me in January of last year that the negotiations had 'borne fruit'. Is there a time line in relation to this?

**Hon. Chief Minister:** As soon as possible, Mr Speaker.

230 **Hon. D A Feetham:** So, Mr Speaker, 'as soon as possible': does that mean for the remainder of this term because it is very easy for the Chief Minister to say 'I am finalising these investors'. I assume that, during the course of a four year term, he will bring some investment into Gibraltar and it is very easy to say, at that stage, 'You see, these are the investors that I was negotiating with and I had up my sleeve in 2011'.

235 Surely, if you said in January last year, the negotiations 'have already borne fruit', bearing in mind that, in May, six months previously, you said that you had them 'up your sleeve', bearing that in mind, at least we ought to be looking at a period of time, within this year, for example?

**Hon. Chief Minister:** Mr Speaker, I am not going to give a timetable about what might happen because of the complexity of what it is that is being negotiated.

240 I remind the hon. Gentleman of the definition of 'soon' that his Party, when in office, used to have and can I just point out to him, Mr Speaker, that what he has said is, in effect, a suggestion that the Government, or I, would be willing to lie to Gibraltar, by saying it would be very easy for me to bring new investors in and to *pretend* that they were the ones that I was talking about in May 2011. That is not the way that I conduct politics.

245 **Hon. D A Feetham:** Mr Speaker, that may or may not be the case. I mean, I do not know.

250 The reality is that we are here, on this side of the House, to bring the Government to account. He will forgive our scepticism, bearing in mind the actual chronology of this: May 2011, saying that he had these investors up his sleeve; January 2012, saying that the discussions had borne fruit; and even now, over a year later, saying that the discussions still have to be finalised.

Can he, at the very least, tell us what areas are these investments in? Is he talking about investment in construction, is he talking about investment in financial services, in banking? What are the areas? That, cannot possibly be commercially sensitive.

255 **Hon. Chief Minister:** Mr Speaker, I am not going to say anything else, other than to say to him that I am going to forgive him nothing. I am going to take *extreme* pleasure in making the announcements when the time comes, given everything that he has said during the course of these supplementaries because, frankly, to have suggested that the Chief Minister of Gibraltar will say to the people of Gibraltar that he is now bringing to their attention the investments of those who he had up his sleeve – to use his language –

260 quoting what I assume was my language at the time that I gave the interview in May 2011, but to represent, then, that new investors are those investors is, frankly, a suggestion that we are going to mislead the people of Gibraltar, which I do not accept.

Therefore, when I make the announcement in respect of these investors which we were talking to before the General Election, I will take great pleasure in making the announcement and referring to this session of supplementaries in the House.

265 **Clerk:** Question –

**Hon. Chief Minister:** Mr Speaker, before we proceed to the next question, can I point out that Question 81/2013 by the hon. Lady has been withdrawn. The only reason I think it is appropriate to draw the attention of the House to that is that the hon. Lady will recall that, in her press release highlighting the question she was going to ask, she highlighted that question.

I think, just for the record, it is important to point that out.

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## HEALTH AND THE ENVIRONMENT

### Upper Rock feral cat population Discussions on remedial strategy

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**Clerk:** Question 16, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment say, further to his answer to Written Question 243/2012, who he has been holding discussions with in relation to formulation of a strategy for dealing with the feral cat population in the Upper Rock?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, discussions have been held with the Gibraltar Veterinary Clinic, the Environmental Agency, the GSPCA, the GONHS, the Food and Environment Research Agency, FERA and – I will add one to the prepared answer, which had been omitted – the Nature Conservancy Council.

**Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his reply. Is he able to provide this House with any details of how far these discussions have taken the Government in respect of the said formulation of strategy?

**Hon. Dr J E Cortes:** Well, Mr Speaker this is a sensitive issue. It is an issue that has to bear in mind the needs of the wildlife but also the humane aspects of any removal of the cat population and, therefore, we are not yet in a position to give out details.

**Hon. S M Figueras:** Mr Speaker, is the Hon. Minister saying that he will be unable to provide any details in the House as and when the strategy develops?

**Hon. Dr J E Cortes:** No, Mr Speaker, I am saying that we are formulating the policy and I do not think it would be correct to inform the House because the policy could then change. We are actually discussing it with some of these various bodies that I have mentioned.

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### Ape bites Recording location of incidents

**Clerk:** Question 17, the Hon. S M Figueras.

**Hon. S M Figueras:** Yes, Mr Speaker, further to the answer to Question 1026/2012, can the Minister for the Environment further break down the information provided by location of incident and further provide details in relation to December of last year?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no information by location is collected by St. Bernard's Hospital, whose prime concern is the treatment of the bites.

The information requested by the hon. Member, as available and updated to December, when only one bite was recorded, is contained in the schedule which I now hand over to him.

**Answer to Question 17 of 2013**

MONTH	APE BITES
January	1
February	1
March	5
April	4
May	5
June	6
July	9
August	18
September	8
October	2
November	7
December	1
<b>TOTAL</b>	<b>67</b>

This data are collected as bites only.

325 **Hon. S M Figueras:** Mr Speaker, would the Hon. Minister entertain the suggestion that it may, in fact, be a good idea to require, in incidents of ape bites reported to St. Bernard's, to record the location of the incident as an additional measure that may assist in the management of the situation?

330 **Hon. Dr J E Cortes:** Mr Speaker, all data are interesting and useful and certainly this would be a useful thing to have.

However, as I stated earlier, when somebody calls in at Accident and Emergency with a bite from a monkey, the Accident and Emergency's prime concern is to treat that bite and there may be other things happening which, obviously, have to take priority over that type of data collection. I will certainly suggest that, if possible, this be collected but, obviously, I cannot impose it because it is not their job to collect data of this nature: it is their job to treat bites. But certainly, I think it would be interesting if that was possible.

335 **Hon. S M Figueras:** Mr Speaker, on the basis that, thankfully, no ape bite has led to a fatality, surely it is information that can be sought from the patient when he or she is undergoing treatment once, of course, any emerging situation has passed. Is that not the case?

340 **Hon. Dr J E Cortes:** Yes, this information that can be asked of the patient but it cannot be the priority of the person at Accident and Emergency, perhaps on a very busy morning, to take data of this nature. The data that they collect is related to the clinical needs.

345 I am not saying that it is not desirable. It *is* desirable, but we cannot impose it because they may have other priorities. Certainly, we will see whether it is possible to add that kind of information but it is not a clinical detail.

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**Barbary Partridges  
Numbers of breeding pairs on Upper Rock**

355 **Clerk:** Question 18, the Hon. S M Figueras.

**Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for the Environment say how many breeding pairs of Barbary Partridges are currently on the Upper Rock?

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

365 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Barbary Partridges are a secretive species. Due to the nature of much of the terrain on the Upper Rock, the number of pairs is difficult or impossible to assess. Even where nests might be accessible, methods of locating these effectively are intrusive and likely to result in excessive disturbance. One possible method of assessing pairs is to conduct counts of the number of calling males at the start of the nuptial period.

However, this is time consuming and labour intensive and would result only in an approximate count of the numbers of males present, which is not necessarily a reflection of the numbers of pairs present.

370 Precise coverage of the entire Upper Rock for the purposes of such a survey would be next to impossible. Furthermore, accurate assessments for conservation should preferably take into account not only the number of breeding pairs but also reproductive output and survivorship of the young. In Gibraltar, the Barbary Partridge is not only present on the Upper Rock. Important populations are present at other sites too, notably Windmill Hill flats, the East Side sand slopes and the Talus slope above Catalan Bay.

375 All of these other populations are just as important as those of the Upper Rock and just as threatened. The data from the GONHS annual winter bird count, which surveys all of these sites, show a general decline in Barbary Partridge numbers over recent years, even in view of the expansion of available habitat due to the restoration of the East sand slopes. These surveys provide a relative indication of trends as, due to the partridges' secretive habits, absolute counts are impossible to achieve. Some statistical model exists on encounter rates and distance sampling may be achievable but results would be approximate at best, given the heterogeneity of habitat on the Upper Rock and elsewhere. Other methods, such as mark and recapture techniques, are intrusive and should only be considered very carefully, due to the problem of disturbance.

385 **Hon. S M Figueras:** So, Mr Speaker, the Hon. Minister is saying that he does not have an answer in relation to the number of breeding pairs on the Upper Rock.

**Hon. Dr J E Cortes:** Clearly, the hon. Member has understood my reply! (*Laughter*).

390 **Hon. S M Figueras:** Yes, it was rather convoluted but, yes, I did understand the answer being given by the Hon. Minister.

I fear for how long *this* answer might take but does the, is the Hon. Minister aware of whether there have been or whether there are any new chicks of Barbary Partridges in Gibraltar following the season.

395 **Hon. Dr J E Cortes:** New what, Mr Speaker? Chicks?

Not yet. The breeding season is starting now. The chicks would hatch in a few weeks' time, March really, March or April. The problem is that there is a great deal of predation due to both feral cats and yellow-legged gulls, so this is why I said that we cannot just judge by the number of pairs but also by the output of reproduction and the survivorship of the young.

400 I think the problem here is that the young are finding it very difficult to survive.

**Hon. S M Figueras:** Mr Speaker, the Minister uses a number of words which are very impressive but sometimes simply hard to understand.

405 The point of the line of supplementaries is to ask the Minister whether he is satisfied that the Barbary Partridge will, under *their* watch, survive extinction as a result of the explosion of the feral cat population and other threats to the species?

410 **Hon. Dr J E Cortes:** Mr Speaker, I do apologise. I do not mean to be hard to understand. This is an area in which I have worked and if the jargon... I mean I equally could find difficulty in understanding legal jargon sometimes, so I do apologise. That was not the intention.

The Barbary Partridge has found it very difficult to survive through the last ten, maybe twenty, years because of a number of different developments. One is the increased density of the vegetation on the Upper Rock and the other is the population of feral cats. I would very much like to think that the Barbary Partridge will survive. It might not survive, if we take no steps in order to help it.

415 I am glad to say that I am in discussion with a number of agencies, including some of the ones that I mentioned earlier in relation to the feral cats, and that we are preparing a programme which, hopefully, will increase the habitat and increase the population of Barbary Partridges. Like everything else in nature, you cannot guarantee it so, despite my biggest efforts, if I fail, I hope I will not be held to account politically but, certainly, we will do all that we can to make sure that this iconic bird of Gibraltar *does* survive.

420 **Clerk:** Question –

**Mr Speaker:** Yes.

425 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, would the Minister consider introducing some Barbary Partridges from North Africa, in order to increase numbers and perhaps strengthen the gene pool of the Barbary Partridges in Gibraltar?

430 **Hon. Dr J E Cortes:** Mr Speaker, that is exactly one of the steps we are taking and we already have contacts with institutions in Morocco who breed Barbary Partridges. We are trying to make sure that they are *northern* Barbary Partridges because there are three different sub species and the ones further to the south may be more adapted to life in the desert or more arid situations, so we are, in fact, trying to locate Barbary Partridges to release on the Upper Rock in order to boost the local population while we take measures.

435 You cannot just do that and not take any other measures because then all you are doing is bringing partridges that are doomed to death. So it has got to be a combination of increasing the stock and taking the other measures to help them survive, so that is part of the plan, yes.

440 **Hon. S M Figueras:** I hate to address the issue of the elephant in the room as directly as I am going to but I think it is very important, given the fact that it *appears* from everything that the Hon. Minister is saying that this is a very time-sensitive, time-critical situation for the very iconic species which is the Barbary Partridge.

445 Is the Government considering, contemplating a programme, introducing a programme of drastic measures such as culling of the feral cat population to try and bring it under control in a decisive manner, given the importance and urgency that the Minister himself is referring to in respect of this and which the Opposition certainly is aware of, too, and would support the Government in, should the time come?

**Hon. Dr J E Cortes:** Mr Speaker, I do not know whether to interpret the hon. Member's contribution as encouraging a cull of the feral cats population. That may well be the case.

450 **Hon. S M Figueras:** Mr Speaker, if it is necessary [*inaudible*].

**Hon. Dr J E Cortes:** Yes, certainly, as I said before this is a sensitive matter. It has to be dealt with humanely but, certainly, with the current population of feral cats, the Barbary Partridge *is* compromised. Therefore, we have to consider ways in which to reduce the impact of feral cats on the partridges.

455 Regarding time sensitivity, yes, Mr Speaker it is time sensitive. I now have the responsibility of trying to do it, even though the bio-diversity action plan which was published, I think, in 2007 made recommendations along the lines that we are now implementing and were not accepted by the Government of the time. So I am glad to see that the Opposition is backing this all the way and I do welcome the fact that all Members of this House seem to be united in wanting to save this iconic species so that it can continue to breed and survive in Gibraltar.

465 **Waste recycling**  
**Details of contractors, destination and certification**

**Clerk:** Question 19, the Hon. S M Figueras.

470 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment provide this House with comprehensive details of all recycling processes to which all waste in Gibraltar is subjected including, but not limited to, details of contractors and their sub-contractors, the ultimate destination of the waste for processing and certification obtained by the Government or its contractors in respect of the processing of said waste, broken down by waste type including, but not limited to, waste electrical and electronic equipment, paper, plastic and glass?

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

480 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, this is a longish answer. I do not think it is as long as the previous one but it is also a longish question!

Gibraltar produces a wide range of waste types, many of which are recycled. These include paper, plastics, waste electrical and electronic equipment, batteries, ink cartridges, tyres and waste oil. All shipments of green waste, destined for recovery or recycling, are carried out under Articles 3(2) and 4 and Annexe VII of Regulation EC No. 1013/2006 on shipments of waste. Each consignment of waste is accompanied by an Annexe VII Form, detailing the nature of the waste which is then signed off by the authorised receiver facility. The Environmental Agency keeps records of all such movements.

485 All shipments of hazardous waste destined for recovery or recycling are carried out under the pre-notifications and consent procedure under said Regulation EC 1013/2006 on shipments of waste. These hazardous wastes are not exported to the final destination until the procedures under the aforementioned regulations are complied with, namely the issuing of a Transfrontier Shipment of Waste Licence. The

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Environmental Agency keeps records of the quantities of waste sent for recycling or recovery and is informed, under the procedure, when the waste has undergone treatment.

The full list of authorised contractors is contained in the schedule that I now hand over.

**Answer to Question 19 of 2013**

**SHIPMENTS OF NON HAZARDOUS WASTES ARISING IN GIBRALTAR DESTINED FOR RECOVERY OR RECYCLING OPERATIONS**

CONTRACTOR	TYPE OF WASTE	DESTINATION	
MetalRok	end of life tyres	Recuperaciones Emro S.L	Albacete
Master Service	glass	Recuperadora Andaluza de Vidrio	Sevilla
Maritime & Commercial	oil	Cilniana Imports	Malaga
Recycle.gi	paper	Hnos Padilla SL	Algeciras
EWMS	paper	Hnos Padilla SL	Algeciras
EcoWaste	scrap metals	Chataras el Cordobes	Algeciras
MetalRok	scrap metals	Recuperaciones los Chichos	Chiclana de la Frontera
MetalRok	scrap metals	Reciclaje Campo de Gibraltar	San Roque
Atlas Recycling	scrap metals	Empaquetados y Recuperaciones Sevilla S.L.	Sevilla
GibDock	scrap metals	Recuperaciones los Chichos	Chiclana de la Frontera
Monteverde	scrap metals	Andaluza de Hierros	Malaga
HSE Consulting	scrap metals	Fernando Cosano correro SL	Algeciras
EWMS	scrap metals	Azor Ambiental	Murcia
Monteverde	mattresses	Urbaser	Algeciras

SHIPMENTS OF HAZARDOUS WASTES ARISING IN GIBRALTAR DESTINED FOR RECOVERY OR RECYCLING OPERATIONS			
CONTRACTOR	TYPE OF WASTE	DESTINATION	
EWMS	Lead Batteries 16 06 01*	Azor Ambiental, SA	Murcia
MetalRok	lead batteries EWC 16 06 01*	Azor Ambiental, SA	Murcia
MetalRok	discarded equipment containing hazardous components 16 02 13*	Reciclec S.A.	Sevilla
MetalRok	Discarded equipment containing chloroflourocarbons, HCFC, HFC 16 02 11	Reciclec S.A.	Sevilla
MetalRok	batteries & accumulators included in 16 06 01, 16 06 02 or 16 06 03 & unsorted batteries & accumulators containing these batteries code 20 01 33*	Reciclec S.A.	Sevilla
MetalRok	Flourescent tubes & other mercury containing equipment 20 01 21	Reciclec S.A.	Sevilla
Nature Port	bilge oils 13 04 01* by sea	Dramar Andalucia Tratamientos de Marpoles SL	Algeciras
Nature Port	other fuels (including mixtures), corresponding to EWC 13 07 03*	Eco-Oil	Portugal
Nature Port	other fuels (including mixtures), corresponding to EWC 13 07 03*	Carmona Sociedade De Limpeza e Tratamiento De Combustiveis SA	Portugal
Recycle.gi	waste printing toner 08 03 17*	Verinsura	Jerez de la Frontera
SteelMac	oil from oil/water separators 13 05 06*	Ecogades SL	Cadiz
SteelMac	mineral-based non-chlorinated hydraulic oils 13 01 10*	Ecogades SL	Cadiz
SteelMac	mineral-based non-chlorinated insulating and heat transmission oils 13 03 07*	Ecogades SL	Cadiz
SteelMac	Bilge oils 13 04.	Ecogades SL	Cadiz
VernaOil	Wastes containing oil [LER] 16 07 08*.	Eco Oil	Portugal

**Upper Rock  
Environmentally friendly strategies**

495

**Clerk:** Question 20, the Hon. S M Figueras.

500

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment say whether there has been any progress in the delivery of environmentally friendly strategies in respect of the Upper Rock, for example the reduction of traffic in the area, amongst others?

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

505

**Minister for Health and the Environment (Hon. Dr J E Cortes):** No, sir, these matters will form part of the Upper Rock Management Plan, which is currently being developed.

**Hon. S M Figueras:** Can the Hon. Minister say whether there is a timetable in place for the delivery of this particular plan?

510

**Hon. Dr J E Cortes:** Yes, Mr Speaker, the plan is for the plan to be developed during the first half of this year.

**Hon. S M Figueras:** And just by way of further information and conscious, as I am, that it is a work in progress, is the plan contemplating... or can the Minister say whether the plan is contemplating any

515 measures in respect of the reduction of traffic in the Upper Rock as part of that process?

**Hon. Dr J E Cortes:** It is contemplating everything and anything to do with the Upper Rock, which will include the management of traffic but I do not think it would be correct for me to say 'reduction' of traffic. Improvement of the traffic situation, certainly, but I do not think that I can go into any detail further than that at this stage.

**Hon. S M Figueras:** So, Mr Speaker, the Minister cannot confirm that reduction is ruled out by the plan.

525 **Hon. Dr J E Cortes:** Mr Speaker, I cannot confirm *anything* to do with the plan until the plan is ready so I can confirm the elements of it. It is under discussion, it is being developed and, therefore, I do not even know what recommendations I am going to have to consider in the final outcome. So I cannot answer that question.

530 **Hon. S M Figueras:** Mr Speaker I recognise, as I have said, that the plan is a work in progress and that, therefore, he cannot say what the final plan will ultimately contain – and I completely and entirely accept that. However, as one of those involved in the delivery of the plan I am merely asking the Minister for confirmation of whether or not reduction of traffic, as an example, is excluded from the plan as something that simply will not be contemplated in that process.

535 **Hon. Dr J E Cortes:** Mr Speaker, I cannot answer that question because, at the moment, we are looking at all the recommendations and certainly traffic has to be managed but I can neither include or exclude anything. It is too early in the process for me to be able to commit myself to that and then be held to account for having said something that I do not think I should say.

540 **Hon. S M Figueras:** Would the Minister be able to tell this House who will be making the recommendations to him before he takes it to Government, to Cabinet or how that process will work? It would be helpful to have some detail of that.

545 **Hon. Dr J E Cortes:** Mr Speaker, during the course of last year there was a public consultation process. The recommendations were put in and discussions were held by officials of the Department of the Environment, who are the ones tasked with putting together the draft plan for my consideration.

550 **Hon. S M Figueras:** May I ask which parties those officials within the Environmental Department are having discussions with?

**Hon. Dr J E Cortes:** Well, there was a public consultation process last year; a host of representations were made, including a selection of individuals and groups.

555 I do not have a list and, therefore, if I had notice, I would be very happy to provide that list... but I do not have the list. I do not think it is a direct supplementary and, therefore, I do not have the information of exactly who has been involved in those discussions.

560 **Hon. S M Figueras:** Mr Speaker, is this a matter which is being looked at – I think he may have responded both, well, in this House and, certainly, issued a press release – by the Inter Ministerial Committee, of which I think the Hon. Minister was answering the questions now, and the Hon. the Minister for Tourism forms part of.

565 **Hon. Dr J E Cortes:** It will be, but at this moment it has not yet been put to this Committee. It will be discussed between the different Ministers but, at this moment, I do not have a draft plan in enough form for it to have been discussed in that Committee.

570 **Hon. S M Figueras:** Can the Minister say whether he will provide, whether on provision of further notice at the next session, provide a list of those recommendations that were received by him during the public consultation

**Hon. Dr J E Cortes:** I can certainly provide a list of the respondents but to publish the responses from members of the public and different organisations without their consent, I do not think would be correct in this process. Is that what the hon. Member is asking?

575 **Hon. S M Figueras:** Mr Speaker, in the context of the public consultation I would expect that it would represent no issue whatsoever to the respondents to the survey, that their views and



recommendations are heard at the public level.

Is the Minister at least willing to at least contact these respondents and see whether they are, in fact, happy for those recommendations to be made public?

580

**Hon. Dr J E Cortes:** Mr Speaker, the right time to make those representations public would be at the time that the report is completed and accepted, in which case, as often happens in this kind of report, the original comments can be provided in an Appendix. I think that, at this moment, as I say, this is a work in progress which is being done by the Department of the Environment and it really is very premature for us to be taking this discussion in the way that it seems to be going.

585

**Hon. S M Figueras:** Well, Mr Speaker, one final supplementary – and I have to disagree with the premise that it is that early that we should not be having this discussion at all. I think it is as appropriate and as opportune as the discussion makes it.

590

But certainly, if there is resistance – and I can understand the resistance in respect of the fact that the plan is a work in progress and have conceded the same – we are making enquiries because we want to be as much a part of the process, certainly in our role as Opposition, as the Government is in having the consultation, but is the Hon. Minister aware that, in the UK, public consultations means that there is no matter of impropriety of recommendations made through a public consultation process to be made public?

595

**Hon. Dr J E Cortes:** Mr Speaker, I am not aware of that in one way or the other.

I do not have a problem in those representations being made public. I think that, as a courtesy, the people who made the representations should be asked but we will see whether that is necessary or not. I just think that doing so at this stage is not helpful because we are actually considering those representations in developing the report.

600

As for the hon. Member's contribution to it, he did not respond to the public consultation process but if he wants to make some representations as to what *he* thinks should go into developing the Upper Rock Management Plan, then I will only be too happy to accept those, even though they are out of time, and bear them in mind, because there may be some suggestions which can be taken on board.

605

**Hon. S M Figueras:** Well, Mr Speaker the Opposition's participation in this process is certainly different to that participation and public consultation.

As a concession to the Minister and perhaps to make his life somewhat easier, although it is not my job to do so, would he be willing to share those responses confidentially with me in the first instance, so that I may be able to review them before time? Then, certainly, I would be able to compare the outcome of the plan versus the recommendations that were made, simply in a manner in that I can hold the Minister accountable for his actions, as is my right and, in fact, my duty to do in this House.

610

**Hon. Dr J E Cortes:** If the hon. Member would write to me, I will certainly give that its due consideration.

615

**Western Beach  
Resolution of pollution issue**

620

**Clerk:** Question 21, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment say whether there has been any progress towards a resolution of the pollution issue at Western Beach?

625

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no, sir.

630

**Hon. S M Figueras:** Mr Speaker, I raise this issue in the first session of the year simply because time goes by, thankfully, very quickly during... has so far, during this term, gone very quickly – and may it continue for the next three years. But, before long, the bathing season will be upon us again and I am wondering if the Minister can perhaps, for those who may be listening and those who may read the press in the morning, provide any indication of whether a resolution is in the offing before this year's bathing season?

635

**Hon. Dr J E Cortes:** Mr Speaker, in relation to bathing, the fact is that, during the summer season,

640 the drain that connects to that area from La Linea is cut off and, therefore, I am glad to say that, during this season, bathing was possible at Western Beach because the levels were low. The problem is worse in the winter when there is rain and there is overflow and, therefore, it tends to be outside the bathing season that there is contamination in the water.

This is obviously not something we are happy with and it is something that we are pursuing. The question is: has there been any progress? Not progress in the sense that the beach is now clean. Certainly, we are pursuing... still trying, as we were last year, to see whether any measures can be taken to make this resolved. But, as I say, if the situation is as it was this last summer, then bathing was possible this last summer and we hope that would also be possible this coming summer.

I do not think there is much more I can add at this point.

650 **Hon. S M Figueras:** So, Mr Speaker, the Hon. Minister cannot guarantee that the issue will be resolved by the summer – and it *is* an issue during the summer. The Minister will concede that it is an issue because we have summer storms, summer rains; it is an issue because, the following day, it may be a perfect day and people attending the beach simply cannot swim because the levels are high, as a result of those emissions.

655 I understand the sensitivity and the fact that it is a cross border issue but the Minister was very determined, before his election to office, that this was a matter that he was going to resolve. A year in, Mr Speaker, there is no solution in sight and I am merely pressing him – and I have not pressed him for a few months because I was aware of the sensitivity of the issue – I am only pressing him because this is a matter on which he expressed strong sentiment before the Election. I think, Mr Speaker, that it would be appropriate, would it not, for the Minister to give an indication of when he expects this process will be completed.

660 **Hon. Dr J E Cortes:** Mr Speaker, it is not in the gift of the Minister to conclude this process. It is a trans-frontier... (*Interjection*)

665 Maybe I am learning to express myself in Parliamentary speech quicker than I feared!

It is a trans-frontier issue. There are steps that have to be taken across the border and all I can say is that we are doing all that we can in progressing the issue but, at this point in time, I cannot add anything further to this discussion.

670

**Mr David Deardon**  
**Level of settlement for unfair dismissal**

675 **Clerk:** Question 22, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state how much Mr David Deardon was awarded in the settlement for unfair dismissal, as announced by the Minister at the public GHA Board Meeting held on 19th December 2012.

680

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, Mr Deardon was awarded £48,238.40 in full and final settlement.

685

**Mr John Langan**  
**Cost of interim CEO of GHA**

690

**Clerk:** Question 23, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health provide details of the cost for re-locating and employing Mr John Langan as interim Chief Executive Officer of the GHA in Gibraltar, broken down by accommodation cost, monthly flights cost, transport and any other expenses paid by Government, over and above Mr Langan's salary?

695

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

700

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no relocation costs

are being paid. Accommodation is being provided to Mr Langan, as was the case with the previous incumbent. An arrangement is being made to cover the cost of flights and other expenses, although no claim has yet been submitted. It is expected that the total cost of this could be about £2,500 per month.

705 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister enlighten us as to the accommodation arrangement, as with the previous Chief Executive?

**Hon. Dr J E Cortes:** Mr Speaker, for the previous Chief Executive. Is that the...?

710 **Hon. Mrs I M Ellul-Hammond:** The Hon. Minister said that his accommodation arrangement was the same as it was with the previous Chief Executive. What is it?

715 **Hon. Dr J E Cortes:** What I said was that accommodation was being provided, as was the case with the previous incumbent. The previous incumbent's contract provided that he would be provided with accommodation at no cost to him and that is what we are doing.

720 **Doctors' GMC licences  
Method of revalidation**

**Clerk:** Question 24, the Hon. Mrs I M Ellul-Hammond.

725 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health inform this House how our doctors in Gibraltar will be revalidated and obtain their GMC licences in order to be able to practise in the UK?

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

730 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker the Government is currently considering options regarding registration.

735 Revalidation is one of the requirements in the renewal of registration. Revalidation started on 3rd December 2012 in the UK and the GMC expects to revalidate the majority of licensed doctors in the UK for the first time by March 2016. Once the decision is made regarding the model of registration to be adopted, the systems will need to be put in place to meet any requirements.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Gibraltar Medical Registration Board be the responsible officer to revalidate the doctors or will it be a UK Trust?

740 **Hon. Dr J E Cortes:** Mr Speaker, this is precisely the options that are being considered.

745 This is a fairly new, well, a *very* new system in the UK. We are currently, as I think I have said here before, looking at the relationship between the Medical Registration Board in Gibraltar and the GMC and this forms part of the discussions that are going to be held, so this will, obviously, be clearer during the coming months. We still have a bit of time before we have to have this sorted out. As I say, the UK expects to have them all ready by March 2016 and we hope to be ready with our own methodology *well* in advance of that.

750 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, the Hon. Minister said in a previous answer to a question from me that they were discussing the re-drafting of the legislation with the Medical Registration Board: this is for the last ten months or so and, as a consequence, you put on hold talks with the GMC.

Does the Minister have an idea of when the amendment to the Medical Act will be tabled and, as a result, when will the discussions with the GMC start?

755 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we took a decision to take these two subsequent to what the hon. Lady is referring to, to take these two in parallel. The amendments of the Medical Registration Board are being drafted. There is a lot of re-drafting going on at the moment, so this is taking a little bit of time but it has to be done very carefully.

760 There was going to be a visit later on this month, I believe, by representatives of the Medical Registration Board to the GMC in the UK at a meeting they were holding in the Channel Islands. It is possible that may have to be postponed due to a sudden bereavement for the Chairman of the Board but it is our intention to continue with discussions in the near future to be able to bring this to a close within,

hopefully, this calendar year.

765

**Palliative Care Nurse Specialist  
Succession plan**

770

**Clerk:** Question 25, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what is the GHA succession plan to fill the role of Palliative Care Nurse Specialist?

775

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Palliative Care Nurse Specialist role has been advertised and a local Staff Nurse has been successful.

780

This nurse is currently allocated to the Palliative Care Department and is undergoing training. This will include placements abroad, successful completion of a degree programme in palliative care and in-house training experience which she is currently undertaking. Training will take eighteen to twenty-four months approximately to gain competencies and experience required.

785

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in the meantime while the local nurse is being trained, who will be taking on this specialist role?

**Hon. Dr J E Cortes:** Mr Speaker, the local nurse will be on the job during training. A lot of the training will be done locally, so she will be part of the team.

790

We are at the moment in contact with a Health Trust in the UK, in order to send a replacement for the current Palliative Care Nurse who finishes some time in April so we are hoping to be able to replace that post to support, at least in the early stages of training, until we feel that the local nurse can then perform the functions without that support.

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**Palliative patients  
Selection of Care Pathway**

800

**Mr Speaker:** Next question.

**Clerk:** Question 26, the Hon. Mrs I M Ellul-Hammond.

805

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain which care pathway is the one that will be implemented by the GHA in order to care for its palliative patients?

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

810

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Palliative Care Team are currently considering the introduction of the Liverpool Care Plan.

We are aware of some of the negative press that has hit the headlines in the United Kingdom about issues surrounding the implementations of the LCP and it is for this reason that, although this is part of the team's objective, close consideration is to be given on how best to implement this locally with training days and an awareness campaign being considered early in the year, although no date has yet been set.

815

It is of utmost importance that, with the LCP implementation, we need to have a strong and robust strategy for this implementation which includes involving individuals and families in treatment decisions. It is essential that we have an appropriate care pathway in order to transfer quality of care to all clinician areas and the best practice model of care, but training and correct interpretation and implementation is required by all health care professionals.

820

This pathway would be used at the bedside, in order to maintain quality of care during the last hours and days of life.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so what care pathway is being used at present?

825 **Hon. Dr J E Cortes:** Mr Speaker, the information that I have is related to the fact that, at the moment, the pathway that is being implemented in the GHA – remember that a lot of the Palliative Care is, in fact, done through the auspices of the Cancer Society – the pathway carried out at the moment is being developed on the lines of the Liverpool Care Pathway. As I have said earlier, they are working *with* this  
830 in order to develop it and see if we can adopt it fully. So, it is a step in arriving at the Liverpool Care Pathway, I think, with a local flare.

Some of the criticism in the UK was due to, perhaps, lack of communication with families, perhaps a little bit of insensitivity, and we feel that, in Gibraltar, we are, because of the nature of our community, we would be able to tweak it in such a way that it would be acceptable locally.

835

**GHA Board meetings  
Website anomaly**

840 **Mr Speaker:** Next question.

**Clerk:** Question 27, the Hon. Mrs I M Ellul-Hammond.

845 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise why the last three GHA Board Meeting reports, that were placed on the GHA website before meetings, are no longer there?

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

850 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the GHA Board Meeting reports have, since 30th May 2012, all been uploaded to the GHA website. However, only the last full report had the link to view. In other words, there was an error in preparing it and, when you clicked on it, only the last one was there. This has now been rectified and all reports are now available on the website.

855 It was an error in the way it was carried out.

**GHA Board meetings  
Records from previous administration**

860 **Clerk:** Question 28, the Hon. Mrs I M Ellul-Hammond.

865 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister for Health have plans to place past GHA Board papers from the last Administration's term of office on the GHA website?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no, sir.

870 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say why?

**Hon. Dr J E Cortes:** Mr Speaker, it was for the last Administration to have taken a decision on placing their papers on the website.

875 *This* Administration takes decisions on the current papers and, therefore, we are doing what we are doing, we said we would do. We do not have an intention of, retrospectively, putting the former Administration papers on the website. If the hon. Lady thought that was a good idea, perhaps, as she was a member of the Board at the time, she could have taken steps to ensure that happened at the time but we have no intention at this moment.

880

**School of Nursing  
Budget and training opportunities**

885 **Clerk:** Question 29, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise how one goes about applying for a place in the School of Nursing to train as a nurse and if the GHA controls the School of Health Studies budget?

890

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the School of Health Studies has an intake of pre-registration student nurse training every other year, the last intake being in September 2012.

895

Nurse training opportunities are advertised in the local press around May/June of the intake year, to commence in September. The advert is processed by the ETB and then advertised through the local press. Providing they meet all the entry requirements of the academic institution, they will be registered as students.

900

In line with GHA criteria, they must have been resident in Gibraltar for three years and successfully pass a numeracy and literary test and interview. A place will be offered, conditional to satisfactory health clearance and police check. The GHA controls the School of Health Studies budget.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, what will be the role of Dr Ron Coram in relation to managing the School of Health Studies?

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**Hon. Dr J E Cortes:** Mr Speaker, Dr Ron Coram, who is the Head of Training for the Government, will be co-ordinating training throughout the public service and, therefore, will be involved in that way in overlooking the training programmes and the other aspects of work for the School of Health Studies, working with the professionals within the School of Health Studies but, in respect of the School of Health Studies, answering to me, as Chairman of the Health Authority.

910

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, perhaps you already answered this but could the Hon. Minister again say who controls the School of Health Studies budget. Is it the GHA or the ETB?

915

**Hon. Dr. J E Cortes:** The Gibraltar Health Authority controls the budget; it will be in the Estimates as part of the GHA's budget, as the hon. Member will see at estimates time.

920

#### **Primary Care Centre Emergency Clinics Weekend limits on patients treated**

**Clerk:** Question 30, the Hon. Mrs I M Ellul-Hammond.

925

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state the reason behind limiting the number of patients seen in the Primary Care Centre Emergency Clinics at the weekends to 35 and when was this system introduced?

930

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the reasons for limiting the number of patients for sessions to 35 is to allow the GPs to have sufficient time to see the patients appropriately. Increasing the numbers would reduce the consultation time for patients and this could, potentially, place patients at risk.

935

The second reason is that, as well as running clinics at weekends, the GP also carries out house calls and limiting the clinic numbers will mean that sick patients at home will be seen in a timely manner. The system was introduced in October 2010.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister aware, then, that the information given *could* be perceived as confusing because the Emergency Clinic is advertised as being open for an hour, say from 10.00 to 11.00 on Saturday morning, and if all 35 patients arrive within those first ten minutes that means, in effect, that the clinic doors are only open for ten minutes.

945

Will the advertising of the opening hours be changed, or this made a little bit more clear because we have been made aware of this only recently?

**Hon. Dr J E Cortes:** Mr Speaker, there is a system in place called a 'buddy system', in which, if it is likely that the clinic will spill over to over 35 – it rarely happens, except in the winter – then a second GP

is called in, so that should not be a problem.

950 If there are over 70 patients, then – that has rarely, it certainly has not, happened in my experience – then there would have to be a second one called in. But at the moment, there should not be a problem. If the hon. Member has identified any particular occasion when that has been a problem and she informs me later, then I will look into making sure that does not happen because I am sure we both agree that it is important that all patients should be seen if they have to.

955

**Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, in fact it actually happened to me one Saturday morning.

960 I was turned away but I was encouraged to go to the A & E Department of St. Bernard's Hospital, if I considered it an emergency. Is it responsible for the Primary Care Centre emergencies to be sent to A & E and encourage people to go there?

965 **Hon. Dr J E Cortes:** Mr Speaker, that depends, because one never knows what *kind* of emergency we are talking about and there are emergencies in which A & E is certainly the most appropriate place to go. But, certainly, I will take up what the hon. Member has said and if she later, obviously – I do not think it is appropriate now – tells me on what date that happened then certainly I will look into it.

970

**Port-a-caths  
Training for nursing staff**

**Clerk:** Question 31, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain if the GHA will be providing training to staff for the insertion and management of port-a-caths?

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

980

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Palliative Care Nurse specialist has trained a number of nurses in September 2012. However, due to the limited opportunities to keep up the clinical competencies, this remains a challenge. This is an ongoing objective of the GHA and the Palliative Care Team and is to be kept on the agenda of training initiatives.

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The Department has also implemented a new protocol for care of implanted venous devices, for example port-a-caths, which has been introduced in conjunction with the training offered. The team have taken the responsibility of offering training and support to nurses, wherever possible, as an ongoing initiative.

990

Despite the above challenge and ongoing training initiative, we have one particular case which required this immediately, in order that prescribed medications could be administered. Nurse management has, on this occasion, identified a registered general nurse, who has been given the responsibility of leading on this and provides care and advice, as well as the administration of medications, as required. This registered nurse also liaises with other healthcare professionals in order to support this patient's care.

995

**Four Year Plan  
Presentation to GHA Board**

**Mr. Speaker:** Next Question.

1000

**Clerk:** Question 32, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as outlined by the Chief Executive Officer in his report for the 30th May 2012 GHA Board Meeting, can the Minister for Health advise why the GHA's full-scale four year plan, developed by the Executive in consultation with the staff, has not yet been presented to the GHA Board?

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

1010

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no, sir. In his report to the GHA Board on 30th May 2012, the Chief Executive said:

'A four year plan will be developed by the Executive and will be presented to the Board later this year.'

No such plan was developed or presented.

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**Plastic Surgery Initiative  
Breast reduction criteria**

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**Clerk:** Question 33, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as part of the plastic surgery initiative, can the Minister for Health advise what the breast reduction criteria are?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the breast reduction criteria used for this plastic surgery initiative are clinical in nature, namely that the surgery recommended is still indicated and the patient is fit for surgery.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are they NICE criteria?

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**Hon. Dr J E Cortes:** Mr Speaker, as I said, this is clinical and we tend to follow NICE, and I mean N I C E (National Institute for Health and Clinical Excellence), rather than nice as in (*Laughter and interjections*) 'nice procedures', so I would have to assume – apart from the fact that everything we do in this Government is 'nice' – I would have to assume, without any evidence to the contrary, that the answer is, yes, we would follow those criteria.

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**A & E Consultant  
Clinical rationale for post**

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**Clerk:** Question 34, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell this House what were the clinical concerns raised by A & E staff that led to the creation of the post of A & E Consultant this year?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, this is a manifesto commitment.

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The step has been taken in recognition of the importance of A & E and the integration of a new role in A & E is currently being discussed in the context of general improvements to the service.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say who advised the members of his Government on the necessity for employing an A & E Consultant?

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**Hon. Dr J E Cortes:** Mr Speaker, the A & E Department has regular meetings in which they discuss different aspects of Accident and Emergency and it became clear that adding support by way of a senior doctor in Accident and Emergency would be something that would assist in developing what we want to do to improve the service. Therefore, it was a manifesto commitment in advance of my being able to take any advice which, subsequent to my election, in the context of what I see are the problems of A & E, was totally justified.

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**DEPUTY CHIEF MINISTER**

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**Tank farm planning vote  
Reason for abstentions**

**Mr Speaker:** Next question.

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**Clerk:** Question 78, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Government say on what basis the Minister for the Environment and the Deputy Chief Minister abstained from voting in respect of the approval of the proposal for the building of a tank farm during the January meeting of the DPC?

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

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**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, my colleague, the Minister for the Environment, and I abstained on principle, in view of a shared opinion that operators in the local oil industry should have come together to develop a single tank farm that could be used by more than one company.

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**Hon. S M Figueras:** Mr Speaker, is the Deputy Chief Minister satisfied that the promoters have satisfactorily dealt with all the environmental concerns raised during the process, during the public process of the DPC?

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**Hon. Deputy Chief Minister:** Mr Speaker, the Government is satisfied that everything possible has been done.

The Department of the Environment that my colleague leads is also satisfied. The Environmental Safety Group itself did not vote against the measure, so the Government thinks that everything that can be done has been done. Twenty-one conditions have been attached to the application.

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**Hon. S M Figueras:** Mr Speaker, can the Deputy Chief Minister say whether the Government accepts that this is a project that is in the economic short, medium, long term interests of Gibraltar?

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**Hon. Deputy Chief Minister:** Mr Speaker, the Government recognises that there will be activity, economic activity, as a result of this project.

**Hon. S M Figueras:** And therefore that it is, must be surely, in the interests of the community in the medium to long term?

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**Hon. Deputy Chief Minister:** Mr Speaker, all economic activities are in the interests of the community in the medium to long term.

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**Hon. S M Figueras:** Well, then, Mr Speaker, is it not then the case that the Government, satisfied as it was that everything that could be done in respect of its environmental concerns was being done, and that twenty-one conditions were attached and, further, in the light of the fact that it was in the economic interests of Gibraltar, should it not have voted in favour of the project? Or is this just another example of the Government's 'all-things-to-all-men' policy, trying not to alienate any voters by falling on one side or other of the fence on important matters like this?

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**Hon. Deputy Chief Minister:** Mr Speaker, if the hon. Member had been following the debates which took place in public, that have taken place over many months – there have been three or four meetings over the last year or so when this project has been discussed – he will have realised that we were very – the Government Ministers, I should say – interested in their being only one tank farm in Gibraltar, as opposed to two because it made sense if the operators shared resources that there should be only one.

Unfortunately, because the two operators could not come together to agree the facility, we accepted that there should be two but we voted against it on principle. I explained that in the original answer.

1130

**Hon. P R Caruana:** Mr Speaker, I wonder if I could raise a slightly more general aspect on this matter.

I know that the hon. Members think that there is virtue in injecting more democracy into the planning process and that has its advantages and its disadvantages, as they may already have discovered. But in a small place like Gibraltar, is the hon. Member satisfied that a Government policy to not want more than

1135 one dangerous activity, like a fuel tank farm – particularly near residential areas – should be capable of being defeated and frustrated by a mere planning decision, as opposed to planning decisions being informed by Government policy? In other words, the planning authorities do not have responsibility for public safety. They do not have responsibility. They are not accountable to the electorate: it is the Government that is accountable to the electorate.

1140 If a Government... I mean, I am not making a comment about the virtues, or the merits or demerits, of the Government's policy, it is a more general supplementary than that. Is the Government entirely satisfied that it is appropriate, that in a case, for example, where it may be opposed to the construction of a... on perfectly good policy reasons – that the Government's policy should be capable of being defeated by a planning authority which, to boot, is mainly comprised of *officials* in the Government?

1145 **Hon. Deputy Chief Minister:** Mr Speaker, first of all, let me say that this is not a fuel tank farm. It is not fuel, which is the sort of more dangerous element; it is lubricants, so it is not a fuel tank farm.

1150 Let me say also that the Government has two filters, if you like: one is planning and the other one is control as landlord. So even if the planning authorities had, for example in this case, approved an application, the Government, as landlord, could have not accepted it.

1155 The majority of the Commission is made up of officials but there are also several NGOs in the Development and Planning Commission who have a vote, who vote and argue cases one way or the other. I think the only difference in that respect might be that whereas, before, they took place in private and Government policy could have perhaps been defeated in private, now the same thing happens but it happens in public.

1160 **Hon. P R Caruana:** Yes, I understand that. It was, before, theoretically possible for Government policy to be defeated. My questions are not aimed at whether the position is any different now to what it was before. But, rather, regardless of what was now, and assuming that it is the same now as it was before, is there an issue here that we ought to be addressing about the extent of the control that Government policy can bring to bear on planning decisions? In other words, should planning be subservient to public policy, or the other way around?

1165 In other words, who should make a decision about whether a particular activity ought to be allowed on a particular site? If it is the Government's policy, upon which we need not go into a discussion, but if it were a Government's policy – as it appears to be with this one – that, in a small place like Gibraltar, where land is at a premium and you do not waste any by duplicating facilities, particularly, potentially, of an industrial type, if that were the Government's policy, is it not right that the Government should have some wherewithal – some statutory wherewithal – to say to the Planning Commission: 'You may consider the *planning* aspects of this but it is the Government's policy to minimise the number of such plants that exist in Gibraltar.' It just strikes me as odd that, if the Government *had* wanted – and it appears not to be the case in this situation – but if the Government *had* wanted to prevent the setting up of that sort – of any other sort – of activity on that site, implicit in what the hon. Member is saying is that Government does not have the wherewithal to do it. It strikes me as odd in a place like ours.

1175 **Hon. Deputy Chief Minister:** The hon. Member raises an issue which is an issue of policy, really.

I think that we, on this side of the House, have made it clear that we attach more significance to the views of the Planning Department and to the officials and to the DPC, as an entity, in advising the Government at this stage, as to what should happen and what should not happen on a particular plot of land.

1180 We are reviewing Town Planning legislation. It may be that some of what he has suggested is addressed in that but, really, our view, as we stand now, is that the DPC has the ability, or the right, to advise the Government and we do intend, in the course of the review of the legislation, to make that advice binding.

1185 **Hon. P R Caruana:** Advice *binding*? Well, Mr Speaker, obviously we can debate this should that such legislation ever come to Parliament but, surely, any such legislation would need to contain some mechanism whereby Ministers – albeit in certain defined cases, where there is an element of public interest at stake – can override, subject to appeals and safeguards... It cannot be that, on what might be important matters of public safety and public interest, the Government is simply *subject* to the views of the Planning Authority, over which it has no say.

1190 Let us not forget, however worthy might be their objective of injecting some transparency and democracy into the process, in most parts of the world the planning decisions for that reason, are a political process. In the United Kingdom, the planning authorities are made up, half, of elected local councillors drawn straight from the Plenary of the Chamber because there is this acknowledgement that there is an inescapable accountability to the public by the political government, which I don't think can survive not having any degree of control of even when, even in narrower circumstances...

Perhaps this is not the time or the place. We can have this debate, perhaps, if such legislation arrives. I am grateful, Mr Speaker.

1200 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker may I make a comment, as I was named in the original question?

**Mr Speaker:** Carry on.

1205 **Hon. Dr J E Cortes:** Two points: one is that, clearly, there is also the issue of landlord consent and where the Government is the landlord, that would also be brought to bear.

The second point that I think I need to make is, in case there is any confusion, this is not the kind of installation that is likely to be flammable or be dangerous in that respect. We are talking about lubricant oils that cannot be ignited unless there are very high temperatures so... It is much safer than anything that people may think and, as the Hon. Deputy Chief Minister has pointed out, there is a host of conditions that were attached to the plan, anyway.

I just thought that point needed to be made.

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**Disability access to Parliament  
Government submission to DPC**

1220 **Clerk:** Question 79, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, could the Deputy Chief Minister provide Parliament with copies of the Government submission to the DPC in order to make Parliament accessible to disabled persons?

1225 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

**Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, no submissions have been made to the DPC, as yet, in order to make Parliament more accessible to disabled persons. This is the next phase of the project.

1230 **Hon. J J Netto:** Okay, I understand, Mr Speaker, the fact that the submission has not been given to the DPC but I should imagine, by now, that the Government would have, perhaps, with its own people in the Technical Services Department, made up some sort of plans in relation to the submission for the next meeting. Is it possible that I can be given a copy of the Government's submission later on at the meeting?

1235 **Hon. Deputy Chief Minister:** Mr Speaker, that is true.

The press release that we issued made it clear that the design still needed to be formalised so, actually, there is no concrete design at present. Secondly, Government applications are published automatically on the website so we would be able to see them straightaway.

1240 **Hon. J J Netto:** So the designs of the plans will be made available and shown on the Government website, but can the Deputy Chief Minister perhaps indicate, you know, in a generalised sense, how the structure will be made, where it will be located and whether the accessibility for disabled people will mean not just in the public gallery but perhaps, hopefully, one day we have an elected Member of Parliament on either side, they will have access to the other side of Parliament as well. Can he perhaps indicate the thinking behind Government?

1245 **Hon. Deputy Chief Minister:** Mr Speaker, this is a listed building so whatever happens here has to be subject to discussion, negotiation with the Heritage Trust and also, obviously, with the DPC, in which the Trust is included. But I think it is obvious that the concept we have in mind is some sort of lift structure.

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**TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT**

**International flight destinations  
Progress report**

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**Clerk:** Question 1, the Hon. D J Bossino:

**Hon. D J Bossino:** Can the Minister for Tourism advise whether any progress has been made to secure flight connections to destinations other than the UK?

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

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**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I continue, with my team, to keep in regular contact with airline operators that may provide opportunities in securing flight connections outside of the UK.

Contact with various European airlines was established at the World Routes 2012 forum last September. At this point, planning for the forthcoming summer 2013 session had been completed by the airlines. The next season for route development opportunities is summer 2014. The planning cycle will commence around April or May of this year. Our intention is to re-engage with these European airlines at this point at the Routes Europe 2013 event in Budapest.

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One other advantage of the Route's Forum is that an online B2B Section on their website for airports and airlines provides a very comprehensive information pack on Gibraltar Airport. However, in tandem with this forum Mr Finlayson, the Government's consultant on route development, is in direct contact with some of the potential operators and does so via e-mail, web and personal meetings. I have personally met twice with one airline company from outside the UK.

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The next step, before the Routes Forum in May, is for Mr Finlayson to send updated presentations from Gibraltar to the potential operators and he has requested one to one meetings outside of the Routes Forum, dependent on the particular operator's availability.

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Mr Finlayson has also devised a marketing plan for the route development aspects of the airport and this will be rolled out shortly. We will also continue to follow leads in the airline industry, provided by close co-operation with the tourism industry partners in Gibraltar.

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**Hon. D J Bossino:** I am grateful for that reply, Mr Speaker, but does the Minister have a view as to when he thinks he will be successful in securing one of these connections?

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**Hon. N F Costa:** Well, Mr Speaker, we are, as I have said in my original answer, in negotiations with various airline operators outside of the UK. Whereas with negotiations that I held with Monarch and British Airways to increase flights to Gibraltar, I could see a relatively quick turnaround, in terms of months, I would not be able to give him an exact timeframe for this. However, I will happily do so when I do have a clear idea in my own mind when such a new opportunity, or potential route developments opportunity, becomes available.

**Clerk:** Question 2 –

1300

**Hon. Mrs I M Ellul-Hammond:** If I may, Mr Speaker, can the Minister say how many flights we have lost per week net? Does he have a number for that?

**Hon. N F Costa:** Since when ?

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**Hon. Mrs I M Ellul-Hammond:** For the winter schedule.

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**Hon. N F Costa:** The only route that we have lost has been Liverpool and that has been picked up by increased flights from Manchester.

There is also the new route starting from Birmingham with Monarch and that will be replacing the lost flight from bmibaby, so I think there were six airlines from the UK, or rather six air routes from the UK, last year and there will be five this year. The exact number I will not be able to tell. Funnily enough, just the other day I was looking at the statistics of passengers and there was a 0.7% *increase* in passengers in January but I do not have the exact number to hand, Mr Speaker.

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**Hon. Mrs I M Ellul-Hammond:** Is the Minister aware that Monarch and EasyJet have both dropped their flights on a Tuesday and a Thursday, which means a reduction in four flights a week, although I do

understand there has been an *increase* by British Airways of two flights a week at the weekend?

1320 **Hon. N F Costa:** Given the specificity of the question asked, I will need to ask and get back to you.

**Event-led tourism  
Progress report**

1325 **Clerk:** Question 2, the Hon. D J Bossino.

1330 **Hon. D J Bossino:** Can the Minister for Tourism provide a progress report in relation to the Government's stated drive to improve event-led tourism?

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

1335 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the main events of the Government's drive to improve events-led tourism, in my own sphere of responsibilities, has been to secure the organisation of Gibraltar's first International Literary Festival, due to take place in October of this year. This will attract to Gibraltar a number of world-renowned writers, who will take part in debate, discussions, interviews and talks on a variety of subjects. Local authors would also be a critical part of the event, which will bring together different parts of our community, such as our schools and experts in history, heritage and literature.

1340 In the recently launched Gibraltar Tourist Board website, a dedicated section relates to events and these are also depicted on the home page of the website. The majority of the events, however, are being spearheaded – sorry, are of a sporting and cultural nature, so this is spearheaded by my colleague, the Minister for Sports, Culture, Heritage and Youth. The focus here, Mr Speaker, in just one year of Government, can be seen in the organisation of very successful events such as, but not limited to, the first International Jazz Festival, the Mega Concert, and the Strong Man Competition in 2012 which have now become annual events.

1345 The hon. Gentleman would also agree that this year's Calentita Night was greatly improved by listening to feedback from locals attending the yearly event. The organisers cut down the fireworks display and invested this saving on the following innovations: extending the events to Market Place with a full programme of entertainment; carnival performance by Brazilian Batucada Band, in conjunction with Art in Movement; an arts and crafts stall; live drawing by the Fine Arts Association; extra tables, benches and chairs in Market Place for the elderly and public use; new stalls with a British Jubilee theme, including Best of British, British Desserts and Tea in the Park; live TV show by GBC on a big screen at Watergate House...

1350 The hon. Gentleman would also agree that this year's Calentita Night was greatly improved by listening to feedback from locals attending the yearly event. The organisers cut down the fireworks display and invested this saving on the following innovations: extending the events to Market Place with a full programme of entertainment; carnival performance by Brazilian Batucada Band, in conjunction with Art in Movement; an arts and crafts stall; live drawing by the Fine Arts Association; extra tables, benches and chairs in Market Place for the elderly and public use; new stalls with a British Jubilee theme, including Best of British, British Desserts and Tea in the Park; live TV show by GBC on a big screen at Watergate House...

1355 No doubt, my colleague and his team are also working hard to attract more events. Our respective teams, those of my Ministry and my hon. Colleague's Ministry, continue to work together to attract more events to Gibraltar.

1360 **Hon. D J Bossino:** Mr Speaker, certainly in his last comment, I do welcome particularly, because it is my view that we need to do sort of more niche marketing in order to improve the statistical evidence that we currently have, really of low occupancy levels in our hotels.

1365 The Minister has kindly given me a list of all the events that Gibraltar currently provides. I am not sure, necessarily, whether we can see statistically a correlating increase in the number of people staying in Gibraltar, which is really what we want to achieve and I am sure that there are a whole myriad of issues which arise therefrom. But does the Minister have any policy, or any thoughts, as to whether the Government should pursue some form of more targeted marketing in this respect and attending conferences which are maybe less general in nature, more specific to people who may have a specific interest which Gibraltar could be able to satisfy?

1370 **Hon. N F Costa:** Mr Speaker, in the first place, to answer part of his preface, there *was* a correlated increase in hotel occupancy during these events, so clearly Gibraltar did attract more tourists or, certainly, the participants of those events that stayed in Gibraltar. There is no doubt, Mr Speaker, that the Gibraltar International Literary Festival will also attract tourism to Gibraltar – in fact a particular niche of people from the UK. When I attended the Woodstock Literary Festival, which was located in a very small town, there were many thousands of participants and, of course, during that time the town was very much packed. We certainly think that the same thing will happen to Gibraltar. I agree with the hon. Gentleman's point that, ideally, these events will take place at a time where, traditionally, there is low

1380 hotel occupancy and the reason, therefore, for the Literary Festival being at the end of October is partly to satisfy, or to increase, occupancy of hotels during that time.

In respect of the specific question that he asks, we have already started to take a more tailored approach to marketing. He may have read in one of the press releases in relation to the UK GTA that took place in Gibraltar, which was the last UK GTA, that we allowed the current tourism partners of Gibraltar to meet with the company in the UK that buys our media. The reason for that is very simple. The  
1385 Gibraltar Government, or Gibraltar House, has a specific fee that it spends on this UK company to buy advertising space in wedding magazines and other specialist publications.

The purpose of our tourism partners in Gibraltar meeting with the UK media company was that the UK media company is able to buy advertising space at a much reduced rate. If, for instance, a tour company of Gibraltar wanted to buy an advertising page in one of the specialist wedding magazines, it  
1390 may cost something in the order of thousands of pounds. Because we are a Tourist Board, we have very much a reduced rate. So if the Tourist Board was perhaps spending £1,000 on a page or two, it makes sense for the Gibraltar wedding companies to meet with the UK media company and partner up so that, instead of only the Government spending £1,000, the Gibraltar company could also match the £1,000 so  
1395 that, instead of having a generic advert on the facilities provided by local companies on weddings, they could also have a narrative of the particular wedding company, Gibraltar, and what services they provide.

I am sure the hon. Gentleman will be happy that we *already* take the approach of collaborating with our local tourism partners to match the money that the Government spends on advertising, so that we can go even further.

1400 **Hon. D J Bossino:** Presumably, Mr Speaker, it is the Government's intention – I think he said something further at the tail end of his reply – presumably, it will be Government's intention to adopt that approach in relation to other interests. If he can confirm that.

1405 **Hon. N F Costa:** If he means in respect of other events, yes, of course. It would, hopefully, cut across the whole spectrum of events that Gibraltar will enjoy [*inaudible*].

**New hotels  
Approaches to Minister**

1410

**Clerk:** Question 3, the Hon. D J Bossino.

1415 **Hon. D J Bossino:** Can the Minister for Tourism advise whether he has been approached since he took office in connection with the developments of new hotels?

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

1420 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, I have been approached.

1425 **Hon. D J Bossino:** Mr Speaker, we have had this question and answer session in the context of questions asked in relation to possible new developments. There was the Lester Hotel in Devil's Tower Road. I have asked the Hon. Chief Minister in relation to progress in connection with the developments of a Hilton in, I think, Queensway, and now, presumably, it is outside of those two [*inaudible*]. This relates to a completely new development: is that the case?

1430 **Hon. N F Costa:** Yes, Mr Speaker.

**Hon. D J Bossino:** The answer was? I missed that, yes?

**Mr Speaker:** Yes.

1435 **Hon. D J Bossino:** Mr Speaker, I am fully appreciative of the fact that he could be bound by confidentiality at this stage – well, I am assuming it is at the early stages – can he give me some sort of indication as to whether... what the prospects are as to whether Gibraltar could be seeing a new hotel in the near future. I fully appreciate that the question may be unfair but maybe he could enlighten the House.

1440 **Hon. N F Costa:** Mr Speaker, in the first place to say to the hon. Gentleman that we would not be

pursuing discussions unless we thought there was potential. But, as the hon. Gentleman rightly says, I am at this point very much bound by confidentiality in terms of the discussions and they are at their nascent stage.

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**Big Publications (Gibraltar) Ltd  
Licences for bus advertising**

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**Clerk:** Question 4, the Hon. D J Bossino.

**Hon. D J Bossino:** Is the Minister for Transport satisfied that Big Publications (Gibraltar) Ltd had all the necessary licences in place when it was granted the contract to undertake advertising on the bus fleet of the Gibraltar Bus Company Limited?

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

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**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as explained in my answer to Question 929/2012 to the hon. Gentleman, Big Publications were selected on the recommendation of a selection board headed by my Principal Secretary, who was the Head of Procurement, and comprised of another Civil Servant and the two managers of the Bus Company. The company was selected as it provided the best value for money to the taxpayer and I accepted the recommendations of the Board.

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On liaising with the Members of the Board, they reconfirmed to me that they were satisfied that Big Publications had all the necessary licences in place when it was granted the contract.

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**Hon. D J Bossino:** Mr Speaker, the question arises because the answer was given to me in this House on 15th November. Now I was slightly alarmed – and maybe the Minister can assuage any concerns I may have – that, in fact, in the *Gibraltar Gazette* of 20th November 2012 there was an application made by this company, Big Publications (Gibraltar) Limited, for a trading licence.

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It appears, Mr Speaker, that the business this particular company was seeking licensing for relates to exactly the same business that it secured the Government contract. The application is, in fact, dated 12th November, which is almost a month after the Hon. the Minister answered the question in this House, but maybe he can assuage any concerns I may have in relation to this. I would be grateful for that.

**Hon. N F Costa:** With pleasure, Mr Speaker.

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The legal advice that was forwarded to me was that a company only requires to obtain a trade licence if it is selling physical things commercially and the company Big Publications provides a service, not the actual printing, so there was no need for this. (*Interjection*) To the Government.

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**Hon. S M Figueras:** Sorry, Mr Speaker, very briefly, can the Minister confirm that Big Publications Limited does not actually print or provide any products *per se* as part of the service? (*Laughter*)

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**Chief Minister (Hon. F R Picardo):** No, Mr Speaker, what the Government can confirm (*Laughter*) is that, in order to provide the service to the Government, that Big Publications has secured a contract for, it does not require a trade licence.

It maybe that the company wants to do other things, to sell to third parties generally in the market place, for which it has decided it wishes to apply for a trade licence in order to do such other business as it may be advised it requires a trade licence for, but what it is going to do for the Government, it does not require a trade licence.

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**Hon. D J Bossino:** Mr Speaker, let me pursue this point slightly further.  
The Hon. the Minister for Tourism did, in one of the replies to a supplementary that I posed said this. He said:

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‘I do have, however, a chart that explains to me the reasoning why this particular company was chosen and, in the first place, it sets out that the printing would be carried out in Gibraltar, that the Board did themselves attend to make sure that the printing’

– and I emphasise –

‘would be carried out in Gibraltar.’

1505 So it seems that you know the fact that the printing would be carried out in Gibraltar was one of the issues which influenced the Board in choosing this particular company. But, at that stage, it did not have the trade licence to carry out printing in Gibraltar because, indeed, it is applying, as part of its application to the Trade Licensing Authority, for amongst other things, printing equipment and supplies.

1510 **Hon. Chief Minister:** Mr Speaker, I am not going to even pretend to give the hon. Member lessons in what the Trade Licensing Rules are, but the Government is not contracted to *purchase* printing equipment from Big Limited. The only reason that Big would require a trade licence is to retail in printing equipment etc. if it wishes to sell it to other parties.

1515 The Government is obtaining a *service* from Big Limited. Therefore, what Big Limited does and whether it applies for a trade licences to do other things for other parties... I mean Big Limited could decide to retail in *pipitas* as well as anything else and the Government is not buying *pipitas* from Big Limited and, therefore, whether it has a trade licence to retail *pipitas* or not is completely irrelevant.

1520 I think that the hon. Gentleman now understands what our train of thinking is because there is absolutely no need whatsoever for this Government – sorry, for this company – to have the licence that the hon. Gentleman is referring to, in order to be able to provide the service that the Government has contracted with it to have provided. Therefore, the Government is satisfied that those licences which it might have required, if any, it had at the time that the contract was granted. I can give the hon. Gentleman myriad examples of companies that provide services to the Government, that do not require licences to provide those services, but that have licences to provide other things to other people and to retail elsewhere.

1525 **Hon. D J Bossino:** I really do need to pursue this slightly further, Mr Speaker.

1530 If I can ask the Hon. the Minister for Tourism or, indeed, the Chief Minister but, as part of its application the company is also applying for advertising signs, posters, flyers and printed matter. Surely that must form part of the activity which will be in respect of which it has secured this particular contract for, or have I misunderstood.

1535 **Hon. Chief Minister:** No, the hon. Gentleman has completely misunderstood, Mr Speaker, because, you see, what the contract with the company is, is to provide a service to the Government. Whether the company then also wishes to retail in those things is completely irrelevant to the service it is providing to the Government. They are two completely separate strands.

1540 We are not here to understand what it is that the company we are referring to may be deciding it wants to do with third parties, indeed what it is that the company we are debating may want to offer the Government, as an alternative. But, in respect of the contract which has been awarded to the Government, there is absolutely no question of any of these licences being relevant. It is exclusively a service contract and, as he will know as much as I do, one does not require a licence to provide services. (*Interjections and laughter.*)

1545 **Hon. S M Figueras:** Mr Speaker, I am just going to labour the point slightly further and I am happy to be lectured by the Chief Minister in respect of trade licensing. I have no issue, I am not trying to catch him out, I am merely trying to clarify the position which I am obviously struggling to understand.

As part of the service that Big Publications Limited will provide to the Government, they will be securing advertisers for the bus fleet and, once those advertisers are secured, Big Publications Limited – and I am happy to be corrected, if I am wrong – will need to procure the printing of the adverts for installation on the back of the buses... (**A Member:** Signs.) Or signs. Is that the case?

1550 **Hon. Chief Minister:** Indeed, Mr Speaker, but none of that requires a licence, a trade licence.

1555 **Gibraltar Bus Company  
Employees at 9th December 2011**

**Mr Speaker:** Next Question.

1560 **Clerk:** Question 5, the Hon. D J Bossino.

**Hon. D J Bossino:** Further to Question 928/2012, can the Minister for Transport now provide details of the individuals employed by the Gibraltar Bus Company Limited as at 9th December 2011?

**Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the



1565 Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):  
Yes, Mr Speaker, I now hand over to the hon. Gentleman a schedule with information, as requested.

1570

**SCHEDULE TO QUESTION NO 5/2013**

**Totals by Grade**

Administrators	3
Bus Inspectors	3
Chargehands	3
Directors	2
Drivers	39
Garage Superintendent	1
General Operative	1
Labourer	1
Panel Beater	1
<b>Grand total</b>	<b>54</b>

<b>Employee's Name</b>	<b>Grade</b>
Alfred Traverso	Administrator
Julie Daimedo	Administrator
Janet Parker	Administrator
Judah Belilo	Bus Inspector
Manolo Olivera	Bus Inspector
Francis Chipolina	Bus Inspector
Martinez F C	Chargehand
Munoz M	Chargehand
Yome J L	Chargehand
Brian Delaney	Director
Andrew Perera	Director
Ahakam M	Driver
Alvarez M	Driver
Andrades A	Driver
Bates M	Driver
Ben Hakim A	Driver
BenMessoud M	Driver
Benyoussef A	Driver
Bonavia J M	Driver
Boulaich A	Driver
Caravaca C	Driver
Casciaro J	Driver
Chacon J	Driver
Cosquieri P	Driver
Debono M	Driver

Cont.....

**CONT. ANSWER TO QUESTION NO 5/2013**

**CONT. SCHEDULE TO QUESTION NO 5/2013**

El Marakchi S	Driver
Flores J	Driver
Garcia G	Driver
Gonzalez M	Driver
Holland D	Driver
Jalarbi M	Driver
Lahouiri M	Driver
Lane C	Driver
Larbi	Driver
Lozano J	Driver
Lyons	Driver
Maldonado J L	Driver
Mauro J	Driver
Mesa Ruiz R	Driver
Perez	Driver
Poole J	Driver
Rodriguez Clive	Driver
Rodriguez Eddie	Driver
Ruiz	Driver
Tiron G	Driver
Trujillo A	Driver
Zarb J	Driver
Macian J	Driver
Barea Y	Driver
Salgado J	Driver
Paul Costa	Garage Superintendent
Codali J	General Operative
Usquierei D	Labourer
Tarraf M	Panel Beater

1575

**Mr Speaker:** Does the hon. Member have any supplementary?

**Hon. D J Bossino:** No, I am grateful, Mr Speaker.

1580

**Meetings with cruise line companies  
Details and cost of attendance**

1585

**Clerk:** Question 6, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for the Port advise how many times he has met with cruise line companies in the UK since he came to office, who has attended with him and what the cost of such attendance has been?

1590

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

1595

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** I have met with eight cruise line companies in the UK during a visit from 24th – 30th June last year. The

visit included my attendance at a meeting of the UK GTA and meetings I held with airlines. I was accompanied by the Chief Minister's Principal Private Secretary and Mr Karl Triay. As to the costs, I refer the hon. Gentleman to the Government website.

1600 The following meetings are planned for 2013 – Shore Excursions Executive, Fleet Operations and Head of Port Operations and Services from Carnival will be in Gibraltar from 23rd to 25th January this year. Port and Shore Excursion Operations Manager and General Manager from Thompson Cruises will be in Gibraltar from 4th – 6th February. Given that there will be a delegation from Gibraltar attending the corporate headquarters of those cruise companies in Miami, the next series of meetings with UK companies will be held in June. I have also added a note in my own hand, Mr Speaker, right now, that I ought to add that I am meeting with a Spanish cruise company this month.

1610 **Promotional visit to Norway  
Resulting new business**

**Clerk:** Question 7, the Hon. D J Bossino.

1615 **Hon. D J Bossino:** Can the Minister for the Port advise whether any new businesses have materialised resulting from the promotional visit which was made to Norway last year?

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

1620 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, again with pleasure.

The Gibraltar Maritime Administration and its commercial section, the Gibraltar Ship Registry, have undertaken a number of promotional visits between 2011 and 2012, as previously disclosed to this House in answer to Question 688 and Question 1012.

1625 This has led to some significant benefits to the Registry, as 2012 was a record year for new registrations – 58 – and the highest number the section has ever completed. There were 33 in the previous year; six of these new vessels can be *directly* attributed to the Norway visit. The overall gross tonnage of the Gibraltar Registry has also increased by 48%, compared with 2011, and is up to 3.22 million tonnes.

1630 **Hon. D J Bossino:** Sorry, Mr Speaker, it appears that his visit to Germany was slightly more successful, in that he claimed at the Budget session that, I think, 35 new ships had resulted from that visit and I think the answer is that six is what has materialised from Norway.

Is it his intention to pursue further promotional visits to this particular country?

1635 **Hon. N F Costa:** Mr Speaker, I am holding meetings specifically on marketing and promotions with the Gibraltar Maritime Administrator either this week or next week and this is one of the issues that we will be discussing.

1640 **Oil Spill Contingency Plan  
Review update**

1645 **Clerk:** Question 8, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for the Port advise whether the review of the Oil Spill Contingency Plan is complete and, if so, what recommendations have been made to change it, if any?

1650 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1655 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as a result of an internal review of the lessons learned from the *Frio Dolphin* oil spill in June last year, the necessity for a refresh of the Oil Spill Contingency Plan was identified by the Port to ensure that a response to an oil spill is appropriate both in technique and scale to the type and quantity of pollutant spill.

The existing plan, published in 2009, is generic in nature, having been produced by Oil Spill Response

1660 Limited, the Port's contracted Tier 2 and 3 responder, to ensure that Gibraltar complied with the requirements of the International Convention on Oil Pollution Preparedness, Response and Co-operation. It was identified, after the *Frio Dolphin* incident, that this plan does not adequately reflect the special nature of the waters surrounding Gibraltar, including the presence of designated conservation areas and national boundaries. The plan is currently subject to an internal review by the Captain of the Port, Marine Officer and Bunkering Superintendent, in order to scope the resources and support required from other Departments. On completion of this, a team, including environmental regulators, will be formed to move the project ahead.

1665 It is envisaged that a future plan would make best use of available technology, including geographic information systems. Subject to resources being made available, the completion date is expected to be at the end of June this year. In the meantime, the current plan remains in force, with the experience gained from the recent incidents being taken into account in its application.

1670

### SPORTS, CULTURE, HERITAGE AND YOUTH

1675

#### City Fire Brigade and Defence Fire Service Fourth pump and integration of service provision

**Clerk:** Question 9, the Hon. Mrs I M Ellul-Hammond.

1680

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with the responsibility for the City Fire Brigade, explain if the City Fire Brigade will be acquiring a fourth pump and if so, when?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1685

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this Question together with Question 10.

**Clerk:** Question 10.

1690

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the City Fire Brigade state at what stage Government is in with the negotiations for the integration of the City Fire Brigade and the Defence Fire Service, as per their manifesto commitment.

1695

**Clerk:** Answer the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Hon. S E Linares:** Mr Speaker, negotiations with the MOD in relation to the future of the Defence Fire Service and the fourth pump are still on-going.

1700

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, what is the contingency plan if all three existing pumps are engaged and a fourth is needed and there are flights on the airfield that need covering?

**Hon. S E Linares:** Mr Speaker, exactly the same as before 9th December 2011: exactly the same.

1705

**Hon. Mrs I M Ellul-Hammond:** Which is, Mr Speaker?

**Hon. S E Linares:** Mr Speaker, I will need notice of exactly what used to happen then, but it is exactly the same as it used to happen before.

1710

**Mr Speaker:** I hope the Hon. Minister realises that the hon. Lady was not a Member of the House before 9th December 2011, so she is entitled to ask the question.

1715

**Chief Minister (Hon. F R Picardo):** Mr Speaker, absolutely she is, but she sits with those who were responsible at the time and if she wanted this information urgently, she could get it from the person sitting to her right. This is not the question of which notice has been given but, as the hon. Member has said, he is happy to provide it.

1720

**Planned Sports Injury Clinic  
Opening and operation**

**Clerk:** Question 11, the Hon. Mrs I M Ellul-Hammond.

1725

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government state when the Sports Injury Clinic outlined in the Government's manifesto will be set up and how it will be run?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1730

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have had a number of meetings with different professionals in the field of sports injury, with a view to setting up a system and fulfil our manifesto commitment. However, I am not yet in a position to say how it will be set up or how it will be run.

1735

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister at this time say if it will be sited within the Hospital or at other GHA premises?

1740

**Hon. S E Linares:** Mr Speaker, as I said, I have already had meetings with the professionals in the field and in those discussions we are still looking at the possibility of where it will actually be located, so we are not in a position yet to say whether it is going to be in the Hospital, in the GSLA premises or other places that might be possible.

1745

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if provision will be made for this from the budget of the GHA or the budget of the Ministry of Sport.

**Hon. S E Linares:** That is one of the discussions, Mr Speaker, that we are having with the professionals themselves.

1750

**Sports grants  
Payments made since Question 1019/2012**

1755

**Clerk:** Question 12, Hon. E J Reyes.

1760

**Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure provide details of payments made since the answer to Question No. 1019/2012 in respect of sports grants to each of the following:

- (a) Grants to sporting societies;
- (b) International competitions;
- (c) Sports Development Projects; and
- (d) Hosting of special sports and leisure events

**Clerk:** Answer, the Hon. the Minister for Sports, Culture Heritage and Youth.

1765

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the following are the payments made since my answer to Question 1019/2012 in respect of Sports Grants:

1770

- 1. Grants to sporting societies – nil
- 2. International competitions – nil
- 3. Sports Development projects: – Pro Tour Golf 2,750 euros: and
- 4. Hosting of special sports and leisure events – nil

1775

**Victoria Stadium football pitch  
Approval and certification to UEFA standards**

**Clerk:** Question 13, the Hon. E J Reyes.

1780

**Hon. E J Reyes:** Further to the answer to Question No. 1020/2012, can the Minister for Sports provide updated details in respect of the football pitch at Victoria Stadium achieving full approval and certification, meeting UEFA standards for the playing of international competitions.

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1785 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, an independent specialist sports facilities testing laboratory, approved by UEFA and FIFA and the IRB, has already carried out an inspection and tested the new football and rugby playing surface. The GSLA is still awaiting official results.

1790 **Hon. E J Reyes:** Mr Speaker, that is exactly the same answer as I got last time, which is why I started by saying 'Further to the answer...', so the interpretation is that we have still not received the definitive certification. Does the Minister have a tentative date by when he hopes to have the certification, if approved, in place?

1795 **Hon. S E Linares:** No, Mr Speaker, but I will definitely be following it up after the Question has been put twice into this House and I have not had any further advancement. So you can rest assured that I will be following that up, as from today.

1800 **Cultural grants awarded  
Details since 12th December 2012**

**Clerk:** Question 14, the Hon. E J Reyes.

1805 **Hon. E J Reyes:** Can the Minister for Culture provide details of any further cultural grants awarded, if any, since this information was last posted on the Government's website as at 12th December 2012?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1810 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, since the last post on the Government's website as at the 12th December 2012, a further grant of £1,000 has been granted to Gold Productions.  
This information is already posted on the Government website.

1815 **Hon. E J Reyes:** Mr Speaker, thanks for the information. Certainly, that was not available at the deadline of Questions.  
Given that the £1,000 has been granted to Gold Productions, does the Minister have any information, in respect of what type of cultural activity.

1820 **Hon. S E Linares:** Yes, Mr Speaker.  
Gold Productions made an application for a cultural grant because they are currently doing a documentary on the Second World War. It is a follow-up of the first documentary, which they did on Operation Felix: so they came back. Now they are doing the second part of this and they asked for the grant and it was given to them.

1825

**Victoria Stadium  
Modifications necessary to meet UEFA requirements**

1830

**Clerk:** Question 15, the Hon. E J Reyes.

1835 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question No. 1024/2012, is the Minister for Sports *now* in a position to provide this House with details of all improvements and/or modifications, which will have to be carried out at the Victoria Stadium inclusive of players', officials' and spectators' facilities, in order to meet UEFA requirements for the hosting of official international football matches.

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1840 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the GSLA has approached UEFA, through the GFA, for full details of all the facilities and resources which need to be provided at the Victoria Stadium, to be approved by UEFA for the hosting of official international football matches. The final list of these has not yet been received.

1845 This is an answer similar to the one that I gave in the last House and, therefore, until we receive the lists from UEFA, through the GFA, of the facilities that need to be done, there is not much that the GSLA can do. Basically, the answer to this Question is that, as soon as we get that list from UEFA, through the GFA, we will get on and do whatever is needed.

1850 **Hon. E J Reyes:** I understand, Mr Speaker, what the Minister is saying and, in many ways, I sympathise with him because, having had the portfolio before, you are very often dependent on waiting for others. Yet, Mr Speaker, the GFA have led me to believe that certain information has already been passed on to GSLA in respect of what will be required. Can the Minister confirm that you know, at least – even though not official yet from UEFA – that at least some preliminary information that is highly reliable, is available and that the GSLA is working towards it. ,

1855 I am pressing him on this Question because I am conscious then of how long it can take, later on, to get things done. They may require works that need to go to DPC and so on, and we certainly don't want to be caught out, or run out of time, in order to provide facilities for the hosting of events locally, if possible, because the time is now right for attracting spectators. I think both sides of the House would like to see that Stadium as packed to capacity as possible!

1860 **Hon. S E Linares:** Yes, Mr Speaker, I had a meeting with the representative of the GFA only last week and I insisted to them that if a list from the GFA can be given to the Ministry of Sports, then the Ministry of Sports could probably get the GSLA to activate anything that is needed. So it is going to now come through the Ministry, rather than direct to the GSLA, so I do exactly what the hon. Member is saying, so that we can get things done as quickly as possible.

1870 **Hon. E J Reyes:** May I just conclude, Mr Speaker, for the sake of Gibraltar's sporting achievements, I will be more than happy to work with the Hon. Minister outside of this House, on whatever issues, so that together we can provide the best for Gibraltar, especially seeing the unfortunate mishaps, that our neighbours across the road still continue to prove themselves to be unsporting in the way that they react to Gibraltar.

**Hon. S E Linares:** I am appreciative of the support that the hon. Member is giving.

1875 **Mr Speaker:** Before we go on to the next Question, will the Hon. Minister please inform those of us who are not in the know what is the GSLA.

1880 **Hon. S E Linares:** I beg your pardon, Mr Speaker, I should have cleared that from the very beginning. The GSLA is the Gibraltar Sports and Leisure Authority, as opposed to the Ministry of Sports. So, it is the people and the institution that runs the Bayside Complex, that runs the swimming pools now, that are contracted to run the King's Bastion Leisure Centre – basically, all to do with sports, Mr Speaker.

**Mr Speaker:** I am grateful to the Minister for that information.

1885 **Hon. E J Reyes:** Mr Speaker, just to add that, yes, the GSLA is, indeed, an authority. What does coincide is that the Minister for Sport has since its inception, also been the Chairman for the Sports Authority and, even when I sat on that side of the House, we are cautious in making our answers accountable by saying whether it is a GSLA activity or a Ministry for Sports activity.

1890 I hope that, with that information, Mr Speaker, you will be able to follow future answers – I am sorry, Question and Answer sessions – that the Minister and I may have to exchange.

## EQUALITY AND SOCIAL SERVICES

1895

### Elderly Care Services No. of employees for November/December 2012

1900 **Clerk:** Question 35, Hon. J J Netto.

1905 **Hon. J J Netto:** Mr Speaker, given that the figure for employees at the Elderly Care Services and posts held therein shown in the Government website under Table CA.4, only shows those up to October 2012, at the time when Notice of Questions had been given, could the Minister for Social Services provide the figures for November and December 2012?

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

1910 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this Question together with Questions 36 to 38.

1915 **Mount Alvernia**  
**No. of employees for November/December 2012**

**Clerk:** Question 36.

1920 **Hon. J J Netto:** Given that the figures for employees at Mount Alvernia, broken down by post and part-timers, in the Government website under Table CA.5, only shows those up to October 2012 at the time when Notice of Questions had been given, could the Minister for Social Services provide the figures for November and December 2012?

1925 **Mount Alvernia**  
**Nationality of care workers for November/December 2012**

**Clerk:** Question 37.

1930 **Hon. J J Netto:** Mr Speaker, given that the figures of the nationality of care workers employed by Mount Alvernia, as shown in the Government website under Table CA.6, only shows those up to October 2012 at the time when Notice of Questions had been given, could the Minister for Social Services provide the figures for November and December 2012?

1935 **Mount Alvernia**  
**No. on waiting list for admission for November/December 2012**

1940 **Clerk:** Question 38.

1945 **Hon. J J Netto:** Mr Speaker, given the figures for 'Waiting list for admission at Mount Alvernia', as shown in the Government website under Table CA.8, only shows those up to October 2012 at the time when Notice of Questions had been given, could the Minister for Social Services provide the figures for November and December 2012?

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

1950 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I can confirm that the requested information has been updated on the Government website under Tables CA.4 to 6 and 8. Nevertheless, I now hand the hon. Member the requested information.

*See Tables on the following pages.*



ANSWER TO QUESTION 38 OF 2013

ANSWER TO QUESTION 35 OF 2013

Employees at the Elderly Care Services and posts held as at 30 November 2012

Non Industrials	No. of part-timers	No. of full-timers	No. of employees	Nationality
RGNS	3	60	63	25 British 36 Spanish 2 Other
Care Workers	-	177	177	104 British 68 Spanish 5 Other
<b>Total</b>	<b>3</b>	<b>237</b>	<b>240</b>	

Employees at the Elderly Care Services and posts held as at 31 December 2012

Non Industrials	No. of part-timers	No. of full-timers	No. of employees	Nationality
RGNS	3	60	63	25 British 36 Spanish 2 Other
Care Workers	-	177	177	104 British 68 Spanish 5 Other
<b>Total</b>	<b>3</b>	<b>237</b>	<b>240</b>	

CONT'D ANSWER TO QUESTION 38 OF 2013

ANSWER TO QUESTION 36 OF 2013

Employees at the Mount Alvernia with a breakdown by post and part/full timers as at 30 November 2012

Industrials	No. of part-timers	No. of full-timers	No. of employees	Nationality
Catering	1	21	<b>22</b>	10 British 8 Spanish 4 Other
Maintenance	1	6	<b>7</b>	7 British
Stores	-	10	<b>10</b>	8 British 1 Spanish 1 Other
Domestics	2	25	<b>27</b>	17 British 7 Spanish 3 Other
Seamstress	1	-	<b>1</b>	1 British
<b>Total</b>	<b>5</b>	<b>62</b>	<b>67</b>	

Employees at the Mount Alvernia with a breakdown by post and part/full timers as at 31 December 2012

Industrials	No. of part-timers	No. of full-timers	No. of employees	Nationality
Catering	1	21	<b>22</b>	10 British 8 Spanish 4 Other
Maintenance	1	6	<b>7</b>	7 British
Stores	-	10	<b>10</b>	8 British 1 Spanish 1 Other
Domestics	2	24	<b>26</b>	16 British 7 Spanish 3 Other
Seamstress	1	-	<b>1</b>	1 British
<b>Total</b>	<b>5</b>	<b>61</b>	<b>66</b>	

CONT'D ANSWER TO QUESTION 38 OF 2013

ANSWER TO QUESTION 37 OF 2013

Nationality of care workers employed by Mount Alvernia

As at	British	Spanish	Other	Total
30 November 2012	104	68	5	177
31 December 2012	104	68	5	177

CONT'D ANSWER TO QUESTION 38 OF 2013  
ANSWER TO QUESTION 38 OF 2013

	30 Nov 12	31 Dec 12
In St. Bernard's Hospital	Number of applicants	
Ready for immediate admission as soon as a bed becomes available	30	30
At King George V Hospital	Number of applicants	
At King George V Hospital	21	20
In John Cochrane Ward	Number of applicants	
Ready for immediate transfer as soon as a bed becomes available	31	31
In Calpe Ward	Number of applicants	
Ready for immediate transfer as soon as a bed becomes available	18	18
At Jewish Home	Number of applicants	
Awaiting to be transferred	3	3
At Home	Number of applicants	
At Home – Ready for immediate admission if a bed was available	12	11
At Home – Have a health or social need but managing at home with support i.e. family	269	270
At Home – Have put their name on Waiting List in case of future need	198	198
<b>Total At Home</b>	<b>479</b>	<b>479</b>
<b>Total applicants</b>	<b>580</b>	<b>581</b>

**Mr Speaker:** These are answers to about four or five Questions, so I would expect the hon. Member to have some time in order to acquaint himself with the answers.

1955

**Dr Giraldi Home**  
**Update on allegations against care worker**

**Clerk:** Question 39, the Hon. J J Netto.

1960

**Hon. J J Netto:** Mr Speaker, is the Minister for Social Services now in a position to provide me with the extra information sought in Question No. 1034/2012 and in my letter to her of 27th December 2012, regarding the allegation of a care worker employed at the Dr. Giraldi Home consuming an illegal drug?

1965

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

1970 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, (*Cough*) – excuse me – this matter was dealt with at length in the previous Parliament in response to Question 1034/2012. Following exchanges, the Leader of the Opposition stated that he accepted the position as expressed by the Chief Minister, in that this information should not at this stage be shared publicly. In the circumstances, and for the same reasons expressed last time, no further details will be provided at this stage.

1975 **Hon. J J Netto:** Mr Speaker, my recollection at the time was that, despite what the hon. Lady has just stated, she went, further on, to say that the information *will* be provided, on a confidential basis, to me. This is the reason why I am asking it now.

So can she provide the information, as she said she would in the last sitting of Parliament, on a confidential basis?

1980 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman may recall that we did have a conversation following the last Parliament in this Chamber and the information which he sought was provided on a confidential basis.

**Hon. J J Netto:** Mr Speaker, that was wholly inadequate.

1985 What she is referring to is that, once that particular session of Parliament ended, she came over to this side and we had a conversation on this particular matter but that was wholly inadequate, as to the information that I wanted, hence the reason why I have written to her formally to try and get further details on what, I think is adequate in terms of the circumstances of the case.

1990 Therefore, I do not feel, Mr Speaker, that what she considers to be information being passed to me is information that I really need to know on a confidential basis. So will the hon. Lady provide me with the detailed information I have deliberately asked her in my letter which I sent to her Department?

1995 **Hon. Miss S J Sacramento:** Mr Speaker, as stated in the last session of Parliament, we have already gone one step further on the position which was taken by the Opposition when they were in Government, in that details have been provided on a confidential basis.

Mr Speaker, there has to be a limit as to how much detail can be provided in the circumstances, for the reasons that were canvassed on the last occasion. I have already given the hon. Gentleman the reasons and the facts, as I informed him at the last Parliament, and that is as much information as I am willing to give.

2000 **Hon. J J Netto:** Well, Mr Speaker, she may obviously decide not to give me the information and that is the end of the matter. There is not much I can possibly do, but she is incorrect, in her first statement, when she said that they had already given us more information than what we used to provide them when we were in Government. That is clearly not the case, because I remember clearly having to be almost cross-examined by four lawyers of the Opposition when I was on that side of Parliament and, certainly, I

2005 gave a lot more information than she is providing us now.

So, Mr Speaker, can I just –

**Chief Minister (Hon. F R Picardo):** Mr Speaker, on a Point of Order.

2010 On ongoing investigations in a Department involving sensitive issues... and I put it to the hon. Gentleman, Mr Speaker, that he was never cross-examined by one or four lawyers seeking to obtain information – other than confidentially – in respect of something which he might have got up and told us was sensitive and involved issues of this sort.

2015 I put it to him that that is not the case. If he is referring to one particular very high profile issue involving the Social Services Agency which has now led to a public enquiry being constituted by the Government, then that might be something else. This is a very particular type of issue and I put it to him, Mr Speaker, that he runs the risk of misleading the House with those statements.

2020 **Hon. J J Netto:** Mr Speaker, at the end of the day, what I need to know is answers to the question I am asking right now.

The hon. Lady has already stated that she is not willing to provide me with information on a confidential basis. In other words, she is now going 180 degrees in the opposite direction of what she told me at the last session. At the last session she said she *would* provide me with that information. Now she is saying that she is not going to provide me on a confidential basis. Can I understand the reason why she has changed her mind?

2025

**Hon. Chief Minister:** Mr. Speaker, I think it is appropriate that I get up and deal with this, because there is, in my view, a convention which is important, that there are times when information can be

2030 shared with Members of this House but it simply cannot be shared with all and sundry – cannot be shared with the general public. I think it is an important convention because it allows Members of the House, on the benches opposite, to have information which allows them to understand why the Government may be taking a particular position or why, indeed, the Government is not prepared to share information across the floor of the House .

2035 The hon. Gentleman has written to the hon. Lady, setting out a list of questions that he wants the answer to. Mr Speaker, without trying to delve into them and, in that way, give some information which we do not think is appropriate – and he has asked everything except the time at which the allegation was made. I mean he has, literally, set out every single question he could think of about what happened surrounding this allegation.

2040 What the hon. Lady is saying is ‘Look, I’ve given you the information I’m prepared to give you confidentially, which gives you an understanding of what the issues are.’ If the hon. Gentleman thinks that that is not the case, I am sure that the hon. Lady is happy to sit down and have a conversation again about these issues, but the level of specificity that the hon. Gentleman is requesting would take us into the areas that we do not want to be drawn, not just, Mr Speaker, in terms of sharing that information with the public but a lot of these things that the hon. Gentleman is asking are the issues which are being investigated. For the hon. Lady to give that information – worse still, to give it in writing – would suggest a prejudgement of many of these issues.

2045 What I urge the hon. Gentleman to do is to realise that this is not an attempt to avoid sharing with him such confidential information as would enable him to have the gist of what is ongoing until the matter moves on, but to give him chapter and verse of the matters which he has written on would really be to put the Minister in a very difficult position, something which I assume is not what he is setting out to do.

2050

**Mr Speaker:** Well, the hon. Member has an invitation to have a meeting with the Hon. Minister and try to pursue the matter to the extent that he can.

2055 **Hon. J J Netto:** Yes, Mr Speaker, I certainly will take up the opportunity then to sit down and I have a meeting with the Hon. Minister and to the extent that I can, I will certainly put as many questions, on a confidential basis, and try and draw as many answers as possible.

Thank you very much.

2060

**Dr Giraldi Home  
Theft from resident**

2065 **Clerk:** Question 40, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, could the Minister for Social Services confirm that a resident of Dr Giraldi Home has had his own money stolen and, if so, provide the following information:

2070 (a) A description of the circumstances of the theft, inclusive of the flat no. in which the incident happened, the amount of money stolen and the date on which this appears to have taken place.

(b) Whether an internal Care Agency investigation of the incident is taking place;

(c) Whether the RGP is involved in carrying out an investigation;

(d) Whether any employee of the Care Agency has been suspended, awaiting further investigation; and

2075 (e) Whether any member of the public is being investigated for having possibly stolen the money?

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

2080 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a discrepancy in a service user’s monies has been found and, at this time, there is an ongoing investigation being conducted.

In the circumstances, it is not considered appropriate to provide any further information at this stage.

2085 **Hon. J J Netto:** Mr Speaker, for the sake of clarity, what she calls ‘discrepancy’, does it mean that some money belonging to a service user has been stolen.

**Hon. Miss S J Sacramento:** Mr Speaker, I was very clear in my response, when I said that ‘a discrepancy’ in relation to a service user’s monies has been found and it is being investigated.

I am happy to have a confidential conversation with the hon. Member outside, if that is what he wishes.

2090 **Hon. J J Netto:** [*Inaudible*] Mr Speaker, to take up the invitation – for which we can have one meeting dealing with the two issues and avoid having to arrange different meetings.

Could I ask the hon. Lady a final question: what is the size of the discrepancy she is talking about in money terms.

2095 **Hon. Miss S J Sacramento:** Mr Speaker, as I have just stated, I do not think it is appropriate to go into the circumstances of the matter at this stage: not in public, at this stage, in any event.

2100 **Hon. D A Feetham:** Mr Speaker, can the hon. Lady at least answer a part of the question that was asked, which is whether the RGP has been notified and whether the RGP is carrying out an investigation?

**Hon. Miss S J Sacramento:** The answer to that is ‘Yes’, Mr Speaker. The RGP were notified and they are investigating the matter.

2105

## HOUSING

### Government housing estates

#### Cleaning contracts

2110

**Clerk:** Question 41, the Hon. S M Figueras.

2115 **Hon. S M Figueras:** Mr Speaker, can the Minister for Housing say whether the Government is planning to revisit current contracts for cleaning of Government housing estates and, if it is, whether it will be revisiting these arrangements as a matter of course when the renewal falls due or whether it will be seeking to deal with this matter before then.

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

2120 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, the answer is no, the Government is not planning to revisit the current contracts for cleaning at this present stage.

2125 **Hon. S M Figueras:** I am grateful, Mr Speaker, and can I just quickly say that I am pleased to see the hon. Member. I actually noticed that he was present in the Chamber as I asked the Question, so just to put on record that I am very happy to see him. (*Applause*)

2130

### Government housing estates Tenants urgently decanted since Question 1039/2012

**Clerk:** Question 42, the Hon. E J Reyes.

2135 **Hon. E J Reyes:** Yes, Mr Speaker, likewise, it is always so nice to have the hon., and my good friend, Charles Bruzon back. In fact, I had limited my number of Questions, compared to the past, thinking that Charles may still have needed a bit more time before he could resume greater duties back in the Chamber. I will bear that in mind so we can revert back to our old more numerous Questions in the future!

2140 Mr Speaker, getting now directly to Question No. 42, can the Minister for Housing provide details of how many tenants required urgent decanting since the answer to Question No. 1039/2012, indicating the dates when the decanting became necessary and when these tenants were able, or are expected, to return to their homes?

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

2145 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes Mr Speaker, since the answer given to Question 1039/2012, one tenant has been temporarily decanted due to works required to the property.

The decanting became necessary as from 7th January 2013. It is expected that works will be completed on 8th February 2013.

2150

**Applicants for Government housing  
Numbers allocated a home in 2012**

2155 **Clerk:** Question 43, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide details of how many applicants had been allocated a home during the year 2012 and, of these, how many have still not moved into their new homes, stating the reason why?

2160

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

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, a total of 288 applicants have been allocated a home during the year 2012.

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I am unable to confirm how many of these applicants have actually moved into their new homes. I would like to explain, in case you require more information, that it is not something that is easy to control. If somebody is staying with a relative, for example, in a private property and is allocated a Government flat, that person obviously will start paying the rent and may take a few months before they move into their new homes.

2170

What is of great concern to us in Housing is to ensure that, if it is a question of an applicant who has been allocated a home going to vacate a Government property then, of course, it is very important that they move out of that Government property as soon as possible, so that this can be allocated to an applicant on the waiting list.

2175

**Hon. E J Reyes:** Yes, I understand Mr Speaker.

Is the Minister able to provide, perhaps, some information? My understanding is that some applicants have been allocated a home and they have been given a period of grace because the Ministry have said, 'Look, the home is not 100% ready yet for habitation'. I believe there has even been an offer made, whereby the individuals can either carry out certain repairs themselves or wait for their turn in the list of repairs to be carried out. During that period, whilst the house is still not yet fully fit, there is even a period where no rent is paid so, from there, can the Minister say – he has said that 288 have been allocated – does he have an idea if those 288 are already paying the rent, or are there still some we could deduce, from those who are not paying, have still not quite fully moved in?

2180

2185

**Hon. C A Bruzon:** Mr Speaker, let me explain that this is the procedure we follow. If a flat is fully refurbished and ready to be moved into, then the ideal period of time is three weeks, so we expect people to move into their flats in three weeks' time after the allocation offer is made. If the flat is allocated on a self-repair basis, then this will require more time, of course, so we allow three months. Extensions are occasionally granted of a further month, so that people who ask us and explain reasonably that they have not been able to complete the works that they wanted to do themselves, we allow them a further month before they leave the house or flat in which they are living and move into their new home.

2190

**Hon. D A Feetham:** Mr Speaker, may I?

2195

**Mr Speaker:** Yes, certainly.

**Hon. D A Feetham:** Yes, can the Hon. the Minister for Housing perhaps provide us with some further information in relation to how many of these 288 have actually been provided with keys to the flats.

2200

I quite understand that the words 'have still not moved in' can be subject to interpretation – certainly a more elastic choice of phrase – because, of course, if you give somebody the keys, as far as the Government is concerned, you do not know when those people are moving in. They may live with relatives for a period of time whilst they undertake works and then, in the future, they actually move in. But, really, what certainly interests us on this side of the House is how many of those 288 have actually been provided with their keys and the Government's responsibility, at that point, really is very limited, once those keys have been handed to those individuals.

2205

**Hon. C A Bruzon:** Mr Speaker, there is a difference between earmarking a flat for a tenant and actually offering the flat officially. When that happens, in fact, these people already have their keys. That is the simple answer.

2210

**Hon. D A Feetham:** So all 288?

**Hon. C A Bruzon:** Yes.

2215 What I am always very concerned about is, having granted people keys to move into a new Government flat, if they are occupying a Government flat – say, a smaller flat and they are moving into a larger flat – I am greatly concerned that the flat they are leaving is vacated as soon as possible, because there are other hungry applicants waiting to move into the flat that these people will vacate.

2220 So the answer is: Yes. The 288 have been officially offered these homes, either on a self-repair basis, or when the flat is ready to move in and they have the keys. Yes.

2225 **Chief Minister (Hon. F R Picardo):** Sorry, if the hon. Gentleman will allow me, I think, just to clarify that, the 288 who have the keys may not be *tenants* of those properties because, if they are still holding the tenancy of the smaller property, there is this period of overlap, when people are allowed to repair the property which they are moving into.

I think that is the legal issue, that you have people holding keys to two properties, the one of which they *are* the tenant and the one of which they are to *become* the tenant, for a period that, I think for some time, if not since time immemorial, then certainly for the past twenty odd years, there has been this period of three weeks' grace to move from one to the other.

2230 **Hon. J J Netto:** Mr Speaker, could I ask the Hon. Minister for Housing whether he knows how many of the 288 persons with keys now have had the keys for a period of more than four months.

**Hon. C A Bruzon:** No, I have not got that information.

2235 **Hon. E J Reyes:** Thank you, Mr Speaker.

Yes, Mr Speaker the Minister did tell me before that if a tenant was going to carry out self repairs then a target date, I think he was indicating, was going to be three months. For those who choose not to carry out the repairs themselves but rather wait for the Housing Works Agency to carry these out, is there any indication of how long the average or the longest person on that list has had to wait for?

2240 **Hon. C A Bruzon:** That's a good question, Mr Speaker.

I am certainly against the small companies, or the Housing Works Agency, taking too long to refurbish these homes. I cannot tell the hon. Member in how many cases houses have taken six months, or nine months, or a year... I certainly hope that it will not be that much unless, of course... You see, when an offer is made, Mr Speaker, it is not made unless the house is ready to be moved into, or it is being repaired but it is a reasonable repair job that can be done and not something that is going to take ages.

2250 There are a number of properties which, unfortunately, cannot be allocated to people on the waiting list because the repairs involved are pretty extensive and, therefore, we are not talking about that. I don't know if I have answered the question.

2255 **Hon. E J Reyes:** You see, Mr Speaker, my concern is that members of the public have told me they have been offered a flat, they have been told and strongly advised to accept it because, otherwise, they are simply just going to lose their place on the housing waiting list. Yet the Housing Works Agency has given them an indication that it will take up to around eight months for those repairs to be carried out to make the house in a condition fit to move in.

2260 Eight months, I know from a personal level, neither the Minister nor myself find that as acceptable. So does the Minister have any indication of the veracity of the eight months and is it one isolated case, or is it more a case that there are a fair number of people having to wait for over six months for these repairs to be carried out?

**Hon. C A Bruzon:** I am afraid I do not have the information to hand but I would be happy to answer the question next month or, if I can get the information sooner, I will certainly provide it to the hon. Member.

2265 **Mr Speaker:** Yes.

2270 **Hon. D A Feetham:** Yes, can the Hon. the Minister for Housing perhaps explain what systems are in place to ensure that the amount of time it takes from the handing of keys to somebody occupying the property is not inordinate and, perhaps, could he explain what role and what interest he takes in relation to this? Because of course and I quite understand that we have asked a Question on notice and, sometimes, one requires notice for any supplementaries but I would have thought that this is an important area. It is an area, in fact, that concerned the Hon. the Minister when *he* was on this side of the House and he asked questions, so I would expect the Hon. the Minister for Housing to obviously have taken a personal interest in relation to this now that he is in Government. Perhaps, can he explain what are the systems that are in place and what is the interest that he takes to ensure that there are no inordinate delays?



**Hon. C A Bruzon:** Is the hon. Member referring to offers of flats that are being repaired by us or offers of flats that are being repaired by the applicants themselves?

2280 **Hon. D A Feetham:** What I am referring to is, more generally, it may include both: generally, the delay from the moment that somebody is handed the keys to the point at which that person then occupies.

2285 The Hon. the Chief Minister very helpfully outlined that there may be situations, for example, where somebody stays as an occupier of a Government flat whilst the flat, in respect of which he has been handed keys, is being repaired. So, obviously, one would have thought that, bearing in mind that the Government, as he has rightly pointed out, has an interest – a keen interest – in ensuring the flats are then released so that they can be allocated to somebody else, that there are systems in place to ensure that that is smooth and as expeditious as possible.

2290 **Hon. C A Bruzon:** If an offer of allocation is made to an applicant and this applicant takes an unreasonable time in handing the key back to us then, of course, the first step of the operation is that the Allocation Manager will write a letter to the tenant, requesting him or her to hand the key back to us, the key of the flat that they are occupying. If this does not happen, then we take legal action and the lawyer will write to the person who is taking too long to vacate the Government flat and move into their new home. We take legal action and, hopefully, that will prompt a speedier return of the key of the flat that they are occupying so that we can then allocate it to somebody else on the waiting list.

2295

**Hon. D A Feetham:** Yes, but, you see, we don't want to get to the stage where we have to obviously take legal action against individuals.

2300 What I am really asking is – go back a step further – is there a system whereby, for example, there is an alert when somebody takes more than three weeks without, in fact, handing the flat that they are occupying and moving into the one that they have now got keys for? There is an alert at three weeks and then there is a chaser, for example, from the Housing Department? That is what I'm asking.

2305

I would expect – bearing in mind that it is Government policy and the Government has a keen interest to ensure that flats that are occupied are being released – that there is a proper system in place to ensure obviously that people are expeditiously doing the works. Indeed, it may not even be the fault of the individual tenants. It may even be one of the companies that are being engaged by the Housing Department, or the Housing Authority, to undertake these works, or anybody within the public service that is undertaking the work.

2310

That is the kind of system that I am asking... The hon. Member is not providing me with enough detail to give me the comfort necessary that the Government is actually on top of this, in terms of having the necessary systems in place.

2315

**Hon. C A Bruzon:** Well, yes, if a flat is refurbished and ready to be moved into, then the period is three weeks. If a flat is allocated on a self-repair basis, then three months. Basically, that is the system that we have in place. If it takes longer than that, then we offer extensions. You see, there are two dimensions to this: one is where the *tenant* is taking too long to move in, not through any fault of the Housing Works Agency or the Housing Authority; the other dimension which, I think, the Hon. Edwin Reyes was asking me about is where there are works being done by one of these small companies, or the Housing Works Agency, and they are taking much longer than they should.

2320

Am I right in my interpretation of what the hon. Member is asking? We have a system in place and I can assure him and the Members opposite that I am terribly keen that the housing allocation... where the waiting lists go down and we provide homes for the people who are waiting, sometimes for many, many years. But the system in place is that, when an official offer is made, then the person has to move into that flat within a three-week period, if the flat is ready to be moved into. If it is on a self-repair basis, then they are allowed three months, with possible extensions. That is as far as I can go. If I am not answering the question, then I would request, maybe, notice.

2325

**Hon. D A Feetham:** I will give him notice that, perhaps, so that he can start working on it now, that at the next session of the House we will ask the Hon. the Minister statistical questions in terms of how long, over the three-week period, in relation to these 288, or previous ones, the Government has had to wait before people move in? Because obviously it is only in relation when one looks at those statistics, can one see whether, in fact, there is any system in place that is actually working because, if the majority of these people are not moving into their new flats within a reasonable period of time after the three weeks are up then, obviously, the system is not working – and we would be remiss in our duty not to bring the Government to account, given that there are a lot of people on the housing waiting list who, obviously, want to move into properties.

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2335

**Hon. C A Bruzon:** No, Mr Speaker, I can assure the hon. Member that I think the majority of these

2340 288 people have actually moved into their new homes. Otherwise, I would be extremely disappointed, as probably you would, as well.

**Government housing  
Repairs to lifts**

2345

**Clerk:** Question 44, the Hon. E J Reyes.

2350

**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details in respect of the number of times lifts pertaining to Government rental homes have required repairs, since the reply to Written Question No. 251/2012, providing details of how long it actually took to carry out said repairs since the report was first lodged and by whom these were carried out:

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

2355

**Minister for Housing and the Elderly (Hon. C A Bruzon):** It's Question 44?

**Mr Speaker:** Yes.

2360

**Hon. C A Bruzon:** Yes, Mr Speaker. I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 44**

LIFT REPAIRS: FROM 07.12.12 TO 07.01.13

ADDRESS	DATE & TIME REPORTED	REPAIRS COMPLETED	CONTRACTOR
VALIANT HOUSE	13.12.12 15.13	11 MIN	OTIS
BOW WAVE HOUSE	15.12.12 13.54	57 MIN	OTIS
GOOLE HOUSE	13.12.12 17.28	1 HR 32 MIN	OTIS
ARCHBISHOP AMIGO HOUSE	18.12.12 15.30	2 HRS 28 MIN	OTIS
CONSTITUTION HOUSE	20.12.12 16.53	2 HRS 15 MIN	OTIS
CONSTITUTION HOUSE	20.12.12 16.56	2 HRS 7 MIN	OTIS
PORTMORE	19.12.12 15.54	2 HRS 51 MIN	OTIS
CONSTITUTION HOUSE	23.12.12 15.43	5 HRS 2 MIN	OTIS
KINGSWAY HOUSE	25.12.12 15.09	5 HRS 58 MIN	OTIS
MALAYA HOUSE	25.12.12 16.16	4 HRS 30 MIN	OTIS
WARSPITE HOUSE	26.12.12 12.01	39 MIN	OTIS
GEORGE JEGER	07.01.13 09.44	3 HRS 34 MIN	OTIS
KINGSWAY HOUSE	07.01.13 17.05	1 HR 38 MIN	OTIS
ALBERT RISSO	16.12.12 14.30	40 MIN	FAIN
ALBERT RISSO	16.12.12 10.20	1 HR 12 MIN	FAIN
ALBERT RISSO	03.01.13 20.35	30 MIN	FAIN
BISHOP CANILLA	29.12.12 13.10	20 MIN	EMBARBA
BISHOP CANILLA	04.01.13 17.46	25 MIN	EMBARBA

2365

**Hon. E J Reyes:** Mr Speaker, can I have a little verification? The table provides the address and the date and time reported and then repair completed. If we take the very first one, for example, Valiant House has a report made at, I take it to be 15.13 hours on 13th December last, and it says repair completed – 11 minutes.

Strictly speaking, my Question said 'how long it actually took to carry out said repairs since the report was first lodged.' Does that 11 minutes mean that from whenever the tenant made the report, within 11 minutes that lift was working again, or that the repair to it took 11 minutes from whatever time the workman actually arrived on the site? Can I have that clarification, Mr Speaker.

2370

**Hon. C A Bruzon:** Mr Speaker, this particular repair was a very easy one. It was just a question, as soon as the report of the fault in it was made, the technical people went there and they pressed the restart button and everything worked again, so that was an easy one. It took 11 minutes.

2375

**Hon. E J Reyes:** So the column of 'Repairs completed' does refer actually to what my wording says, from when the report was first lodged? (**Hon. C A Bruzon:** Yes.) All the timings provided within the

column of 'Repairs completed' took 11 minutes, or the next one 57 minutes, for example Bow Wave House, and so on? That is the time that elapsed between the report being lodged, at whatever depot it was lodged, and then the lift being fully functional?

2380 **Hon. C A Bruzon:** That is correct, Mr Speaker.

There have been cases in the past... We are talking about the one month period which I think is the question that he is asking about and, in this period of time, there were not unreasonable, or very lengthy delays, because we were waiting for spare parts to come through and it could have taken longer, which is always very disappointing. In this particular period of time, the repairs were carried out on the date specified and the time it took is as is specified in the column headed 'Repairs completed'.

2390 **Hon. D A Feetham:** Mr Speaker, perhaps the Hon. the Minister can actually talk to his staff about ... I do not think this can possibly be right. It takes... if you have to call out somebody to repair a lift, it takes fifteen minutes, perhaps, to travel from – or ten minutes – from one part of Gibraltar to where the problem arose. Bearing in mind that you not only have to take into account travel time, but also the fact that the person has reported it by telephone and there must be some time lag between the person reporting it and the repair person actually leaving his house, it cannot be right that it is taking, from the moment the tenant reports by telephone the fault, to the moment that it is repaired, 11 minutes.

2395 I can understand that it has taken 11 minutes because a person has gone – it is a minor fault and it has taken 11 minutes to repair – but not 11 minutes from the moment they –

**Mr Speaker:** In other words, the question, I think, that the hon. Member is asking is: is the time given in the column under 'Repairs completed' the actual time which the repairer was on site?

2400 **Hon. C A Bruzon:** Mr Speaker, let us take example number one.

The date is the 13th of the 12th. The time it was reported was 13 minutes after 3.00 p.m. Within that day – and I do accept the point the hon. Member is making – on that same day, on that same date, when they went, it took 11 minutes to repair. I think that is the easiest way of understanding it. (*Interjections*)

2405 **Hon. D A Feetham:** That is exactly what we were asking because the question by Mr Reyes is, 'how long it actually took to carry out the said repairs since the report was first lodged': in other words, the time from the report to when it was repaired. Could he go back and ask his... unless he has got the information there, because what we are really interested in is how long the lift was out of order. In other words, how long are tenants being inconvenienced by repairs and what is the response time of the repair workers who are undertaking these repairs?

2415 **Hon. C A Bruzon:** Mr Speaker, if you want to take Constitution House, half way down the page, as an example, the date and time that the problem was reported was 23rd December. The time that the report was reported was 15.43. The time the repair was completed was five hours and two minutes.

**Mr Speaker:** On that same day?

**Hon. C A Bruzon:** Yes, that is it.

2420 **Hon. D A Feetham:** So Mr Speaker what he is saying is, that from the time in which the tenant reported the fault, the lift was not working, at 15.43 on 23rd December, from the moment it was reported it has taken five hours and two minutes to the point at which it was repaired. Are you sure, because the first one is 11 minutes?

2425 **Hon. C A Bruzon:** Mr Speaker, I will double check, if you want. I will double check but I will be perfectly honest, the questions that you are asking me now, I asked my staff myself and they said to me 'No, Minister'. You see, in this case, it was not a question of having to wait three weeks or three months, or whatever, for spare parts to arrive.

2430 It could be that the one about 11 minutes raises questions, but I will go back to my staff and try to find out, so that the hon. Member can rest assured that the information we are trying to give is accurate.

**Hon. P R Caruana:** Mr Speaker, if I can just say it is not a question of the hon. Member giving accurate information. We understand that the hon. Member is giving us the information that *he* is being given.

2435 The question, then, is to establish that the person who is putting those answers together for him is correctly interpreting the question. We are not interested to know how long a craftsman took to fix, once he got on the job – whether the job was a complicated one and it took the craftsman two hours to fix, or

2440 whether it was a simple one and took the craftsman ten minutes to fix. The questions are designed to find out how long the service user was without the service, as a result of the breakdown. So the question *might* have been asked: how long was it from the lift being repaired, as being out of order, did it take for the lift to be *back* in working order? *That* is the period of time that these questions are designed to elicit and not how long it took to repair. Somebody, I suspect, is interpreting that literally in your office to mean how long did it take the man with the screwdriver once he got to the lift to repair it. We are interested in how long it was out of order.

2445 It is just a question of finding out. We do not have to clarify this today. I think, so long as we are of a one mind and we both understand that what is being asked is for the length of 'out of order time', he could make sure that, perhaps, that is how the question is interpreted in the future and the answer provided in that way in the future.

2450

## TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

### 2455 **Transport Strategy** **Alternative energy vehicles and cycle lanes**

**Clerk:** Question 45, the Hon. S M Figueras.

2460 **Hon. S M Figueras:** Yes, Mr Speaker, further to his answer to Written Question No. 253/2012, can the Minister for Traffic say whether any strategies for the promotion by Government of alternative forms of transport are planned, including, but not limited to, campaigns to promote the use and ownership of hybrid and other alternative energy vehicles?

2465 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I would answer this Question together with Question 46/2013.

2470 **Clerk:** Question 46.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic say what the Government's policy is in relation to cycling lanes?

2475 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

**Hon. P J Balban:** Mr Speaker, it is the Government's policy to encourage a move towards alternative and sustainable forms of transport and a new Sustainable Traffic, Transport and Parking Plan will look at ways of achieving this.

2480 The use of hybrid and alternative energy vehicles will form part of this and the Government is already planning, and has already introduced, several measures to promote their use, these being the reduction of import duty on bio fuels to 0%, the reduction of import duty on hybrid vehicles to a flat 2% across the board, irrespective of cubic capacity, and the payment of a £500 cash back to the purchaser upon registration of a hybrid vehicle.

2485 Walking and cycling are also recognised forms of alternative transport and the provision of cycle lanes is something the Government is committed to.

**Hon. S M Figueras:** Mr Speaker, I am grateful and gratified by the answer given by the Hon. Minister.

2490 In respect of campaigns, I recognise that the measures were introduced at the last Budget and I think one of the issues may well be, from conversations I have had with various members of the community, that there is not actually much awareness of the measures, which are valid ones introduced at the last Budget.

2495 When I referred to – perhaps I will wait for the Minister to pay attention: I would not want to catch him out simply because he is not paying attention...

Sorry, as I was saying – I had not, actually, finished the supplementary – the measures, valid though they are, I think may have had limited recognition in the community. The campaigns I referred to in the main question are not simply the measures themselves which, valid on their own as they are, in our view, certainly, would benefit from an awareness campaign or campaigns to get the message out there. Is this sustainable traffic plan that the Government is working on contemplating including campaigns of that

2500 nature?

**Hon. P J Balban:** Mr Speaker, this has not been discussed as an avenue.

2505 I was of the opinion that with the Budget measures actually highlighting these issues, or what Government had done... As I said, I would assume lots of people knew it but whether... Perhaps the hon. Member is right, maybe there has not been enough awareness and people are not aware but, as I said, if it is deemed necessary in order to be able to increase the acceptance of this vehicle, it is something we will most definitely consider.

2510 **Hon. S M Figueras:** Mr Speaker, I ask the question and make the suggestion in the context of campaigns that this Government has, in fact, undertaken in respect of recycling and I can certainly tell him that, personally, I have spoken to one particular person, in any event, who is in the motor sales industry, who was unaware of the 2% flat rate import duty on hybrid vehicles and the £500 cash back.

2515 My last supplementary is whether there is a timeframe now in place for the delivery of this sustainable plan which the Government has now been working on for some time.

**Hon. P J Balban:** Mr Speaker, in reference to what the hon. Member was asking before, it was only literally, I would think, days when the announcement was made that we have already had garages calling in, seeking more information on those points. That someone whose business depends on that was unaware seems something which is quite funny, but it can happen.

2520 In reference to the timescale, I am not yet in a position to say how long the development of this traffic plan will take, so that is where we stand at the moment.

2525

**Construction industry  
Health and Safety complaint**

**Clerk:** Question 47, the Hon. J J Netto.

2530 **Hon. J J Netto:** Mr Speaker, in relation to the one complaint registered on the Government website for the month of December 2012 within Table HS.1, as updated on 2nd January 2013 under the construction industry, could the Minister for Health & Safety provide an explanation of the nature of the complaint and by what company?

2535 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the nature of the complaint was a tower scaffold which was not safely assembled.

2540 It was, as a result, taken down and stored. It belonged to the administration of a private housing estate and was being used for the installation of Christmas lighting and some maintenance on the podium. The complaint was made against the management and forwarded to the Health and Safety Inspectorate. The complaint was made by a tenant resident.

2545

**Enforcement Notices  
Disclosure of details**

2550 **Clerk:** Question 48, the Hon. J J Netto.

2555 **Hon. J J Netto:** Mr Speaker, in relation to Enforcement Notices (i.e. Prohibition and Improvement Notices), is the Minister for Health & Safety in a position to provide me with information, as suggested by me in the last session of Parliament, in Question No. 1045/2012 and in my letter to him dated 27th December 2012, with regard to the names of companies and the description of what the Notices entail, as is the norm in the UK by searching the Health and Safety Executive website?

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

2560 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, a holding reply has been issued to the hon. Member's letter dated 27th December 2012, until I have gathered the necessary information to be able to write to him and provide a substantive reply to his

Question. I will endeavour to do so as soon as possible.

2565 **Hon. J J Netto:** Presumably, Mr Speaker, that will be before Notice of Questions for the February session of Parliament will take place. Is that the case?

**Hon. P J Balban:** Mr Speaker, most definitely and I intend, as I said, I will endeavour to do this as soon as possible.

2570 I will make sure that it is done. As I said, the letter was sent or received on 27th and we have had Christmas in between... As I said, an acknowledgement letter was sent and now the information from the relevant Department [*inaudible*] Members should be forthcoming.

2575 **Factories Inspectors  
Censures to Government bodies and MOD**

**Clerk:** Question 49, the Hon. J J Netto.

2580 **Hon. J J Netto:** Mr Speaker, could the Minister for Health & Safety provide a total number of censures raised by the Factory Inspectors, if any, to Government Departments, Authorities and Agencies and the MOD during 2012, broken down by month, the date of censure, the name of the public sector employer, the breach that may have been committed against the Factories Act or any subsidiary legislation and a summary/description of the breach?

2585 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2590 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

**Answer to Question 49**

**CENSURES FOR THE YEAR 2012**

MONTH	DATE	EMPLOYER	BREACH COMMITTED	DESCRIPTION
January	None	None	None	None
February	None	None	None	None
March	None	None	None	None
April	None	None	None	None
May	None	None	None	None
June	None	None	None	None
July	None	None	None	None
August	8/8/12	Technical Services Dept	Factories (Lifting Operations and Lifting Equipment) Regulations Regulation 9	Sanctioned for not providing a valid test certificate of thorough examination.
	10/8/12	Gib Sports and Leisure Authority	Factories (Lifting Operations and Lifting Equipment) Regulations Regulation 9	Sanctioned for not providing a valid test certificate of thorough examination.
	14/8/12	Gibraltar Health Authority	Factories (Lifting Operations and Lifting Equipment) Regulations Regulation 9 Workplace (Health, Safety & Welfare) Regulations 1996	Sanctioned for not providing a valid test certificate of thorough examination and house keeping.
September	None	None	None	None
October	29/10/12	Elderly Care Agency	Factories (Lifting Operations and Lifting Equipment) Regulations Regulation 9	Sanctioned for not providing a valid test certificate of thorough examination.
	30/10/12	Gibraltar Culture & Heritage Agency	Factories (Lifting Operations and Lifting Equipment) Regulations Regulation 9	Sanctioned for not providing a valid test certificate of thorough examination.
November	16/11/12	Treasury Building Dept	Factories (Lifting Operations and Lifting Equipment) Regulations Regulation 9	Sanctioned for not providing a valid test certificate of thorough examination.
December	None	None	None	None

2595 **Young people at work  
Health & Safety**

**Clerk:** Question 50, the Hon. J J Netto.

2600 **Hon. J J Netto:** Mr Speaker, does the Government have a Health & Safety policy with regard to young people at work and, if so, could the Minister for Health and Safety provide a copy to Parliament?

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

2605 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, Her Majesty's Government of Gibraltar considers that the current legislation sufficiently caters for young people at work and it appears that the previous Administration must have also considered this sufficient, seeing that there has been no specific policy regarding young people adopted in the past sixteen years.

2610 The rights and obligations of young workers is sufficiently covered by the Working Time Act and also the Management of Health and Safety at Work Regulations, which imposes on the employers that a specific assessment of the risks to their employees be undertaken and steps taken to eliminate or reduce them.

2615 Should the need arise to afford further protection to young people at work, the Government would consider amendments to the legislation.

**Hon. J J Netto:** Mr Speaker, my question addresses whether the current legislation is now, or before, appropriate in terms of young people at work. I am talking about policies and not legislation.

2620 My question deals with that issue and what I am trying to get from the Government, or the Minister for Health & Safety, is whether there is any policy in relation to how they go about within his own Department, in promoting good Health & Safety wherever young people may happen to be working, whatever industry groups.

2625 It is not something I am inventing. The hon. Member himself can look at the UK Health & Safety website. I have got it here in front of me and they have a lot of policies in order to make awareness, particularly those pockets of areas where young people are working. So I am not talking about legislation, I am talking about policies.

2630 Does the Minister have – if I can transform this into a question – some kind of training programmes, from a Health & Safety perspective, in order to give induction courses to young people or does the Department – his own Factory Inspector – analyse where young people may be working, what industry group they are working, what Health & Safety hazards may be typical of those particular industries, in other words, what planning, as a result of having a policy...? That is the question that I would like the Minister to address, if he can.

2635 **Hon. P J Balban:** Mr Speaker, there is no policy actually at present, just like there was no policy earlier.

I believe that most of the issues that affect a worker generally, be they young or of an older age, would be pretty similar and, as I said in reply to the Question, we do believe there is sufficient mention of young people within the legislation not to need this. So, as I said, there is no policy at present regarding young people.

2640 **Hon. J J Netto:** Yes, I do accept, obviously, there is not a policy, but could I perhaps urge the Minister that, given that young people just moving from the world of school to the world of work will be inexperienced, particularly in certain industry groups, as opposed to a fully-fledged tradesman where he would, more likely than others, know where exactly health and safety hazards are, that there is a need perhaps to develop this kind of area of work within his own Department, particularly by the Factory Inspectors. Perhaps could I urge him to look at the UK Health and Safety Executive website in terms of the promotion of Health & Safety policy among young people as a development of the work that they do? Can I urge that to the Hon. Minister?

2650 **Hon. P J Balban:** Mr Speaker, I will most definitely discuss this with the members of the Department to see whether they feel there is any need to go down this route. I will take it into consideration.

2655 **New Health & Safety software  
Functions**

**Clerk:** Question 51, the Hon. J J Netto.

2660 **Hon. J J Netto:** Mr Speaker, could the Minister for Health and Safety say what other functions does the new software programme have, other than the statistics available on the Government website for the Health & Safety purposes, to assist the Factories Inspectors in their overall duties and will the Minister now produce an annual report for 2012 with the information collated with the new software programme?

2665 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

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

new software programme has proved to be a user-friendly tool which apart from making statistical recording an easy task, allows for a data bank for comparisons, analysis of information and is another aid to accident investigation.

2670

This Government may consider producing an annual report in the future but will not commit to do so. Unlike the situation in the past, this Administration keeps all information on line and this is accessible to the public. I understand that the last report published was in 2007 by the Health and Safety Advisory Committee under the previous Administration.

2675

**Hon. J J Netto:** Mr Speaker, can I ask the Hon. Minister what was the cost of purchasing this programme?

2680

**Hon. P J Balban:** Mr Speaker, I was not expecting that question so I do not have that information available but I will make sure that the information is available to the hon. Gentleman if he writes to me.

**Mr Speaker:** Next Question.

2685

### Adjournment

**Clerk:** The Chief Minister.

2690

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

May I, Mr Speaker, before I actually formally move the adjournment, alert Members of the House to the fact that I have circulated – they should have already – a notice of urgency in respect of a particular Bill, in respect of which I understand the Minister for Justice has already had discussions with colleagues opposite.

2695

**Mr Speaker:** The House will now adjourn until tomorrow afternoon at 3.00 p.m.

*The House adjourned at 12.35 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.27 p.m.

Gibraltar, Tuesday, 15th January 2013

## The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

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

**Clerk:** Sitting of Parliament, Tuesday 15th January 2013.  
Suspension of Standing Orders. The Hon. the Chief Minister.

5

### **Report to Parliament on Democratic and Parliamentary Reform Statement by the Chief Minister**

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am happy to inform the House that I have received the Report to Parliament on Democratic and Parliamentary Reform from the Commission on such reform, of which you are Chairman and I have asked the Clerk to provide a copy for each Member of the House to consider.

15 The Report will be tabled by me at the *next* sitting of the Parliament. Members should treat the content as confidential until the tabling next month, when the public will have access to it and will be able to make representations to all of us. That time will allow them to consider the implications of the Report before it becomes generally available upon tabling and before we all start, I imagine, to receive representations from the community at large.

20 Our commitment, Mr Speaker, was that, once tabled, the Report should be debated within three months. I will, therefore, be moving a debate on the Report at the May sitting of this House and I think, Mr Speaker, it is likely that it may be useful that Members have a discussion across the floor of the House, but not necessarily in this House. Members from across the floor of the House should be considering some of the implications of the Report together, even perhaps before the debate on that day.

25 May I thank you, Mr Speaker and all Members of the Commission, for having finalised the Report so expeditiously and ahead of the twelve month period provided.

## Questions for Oral Answer

30

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

#### School audits Copies of reports

35

**Clerk:** Answers to Oral Questions continue.  
Question 68/2013, the Hon. Mrs I M Ellul-Hammond.

40

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education provide this House with copies of the individual audit reports, in respect of the schools which have already been audited?

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

45

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the officer in charge of the Health and Safety Audit has now completed all the individual school reports.

50

The Department of Education is still awaiting the production of an over-arching report, highlighting the main health and safety issues. The process has not yet been finalised and the Government is, therefore, not in a position to consider providing individual copies of the report at this moment in time.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister have a date as to when the over-arching report will be ready and made public?

55

**Hon. G H Licudi:** I am aware that it is currently being worked on.  
I have not said that it will be made public; I have said that, once we receive the report, we will consider the content of the report and the request but I am aware that it is currently being worked on.

60

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Teacher's Association be consulted in respect of this audit report?

**Hon. G H Licudi:** In relation to the publication of the report, is that – The question relates to publication?

65

I am not sure that the ...

**Hon. Mrs I M Ellul-Hammond:** As to its findings.

**Hon. G H Licudi:** As to its finding...

70

Any matter that concerns teachers we will be discussing with the Gibraltar Teacher's Association, of course.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if it is not made public, will the Hon. Minister extend a copy to me on a confidential basis?

75

**Hon. G H Licudi:** I cannot give any undertaking in respect of a report that I have not yet received so, once we receive the report, we will consider it and decide what needs to be done.

**Department of Education and support services  
Plans for Government audit**

80

**Clerk:** Question 69, the Hon. Mrs I M Ellul-Hammond.

85

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise whether the Government will be auditing the Department of Education and its support services?

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

90

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there are no plans to audit the Department of Education or its support services.

95

Perhaps I can expand on that slightly because it is not entirely clear what the hon. Lady refers to by saying 'auditing the Department of Education and its services'. If what she means is carrying out a general review of the whole Department, all jobs, all functions and all support services, there are no plans to carry out that general review. If she wants to be a bit more specific, perhaps I can help her a little bit more.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, that is exactly what I meant, obviously to ensure that we have a value-for-money service and skills are allocated appropriately.

100

**Hon. G H Licudi:** There are no plans to carry out that general review as a systematic matter that the Government considers needs to be reviewed but, certainly, all functions of the Department of Education are looked at on a general basis and I discuss all these matters and the workings of the Department with the advisers and the Director of Education on a regular basis.

105

**Implementation of EBaccs  
Plan of action**

110

**Clerk:** Question 70, the Hon. Mrs I M Ellul-Hammond.

115

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise this House as to the conclusions and plan of action for the implementation of the new EBaccs after the Director of Education visited the UK in December 2012?

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

120

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, no firm decision will be taken until the Department of Education has all the necessary data to arrive at informed decisions based, obviously, on educational grounds in any case. The results of the UK public consultation launched in December 2012 may result in modifications to the proposed changes in England and, until that time, no final decisions can be taken.

125

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is this the advice from the Director at this moment after his fact finding mission?

**Hon. G H Licudi:** Yes, absolutely. This is his draft answer.

130

**TLR Review  
Progress**

135

**Clerk:** Question 71, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise what progress has been made with the TLR Review?

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

145 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I am advised that the previous Administration agreed with the GTA /NASUWT that a review of the Teaching and Learning Responsibility (TLR) posts should take place approximately three or four years after the structure was put in place, which happened in 2008 and was finalised in 2009. This, of course, does not necessarily mean that there is anything inherently wrong in the present structure.

150 The GTA/NASUWT has been conducting a survey of its members and proposes to provide the results of that survey to the Government. The Government will consider the data once it is received from the GTA/NASUWT and will discuss all matters connected to the TLR structure with the GTA/NASUWT after such consideration.

155 I can, in any event, confirm that the Government *has* reviewed the TLRs at Sacred Heart School in consultation with the GTA/NASUWT, as well as with the Head and Deputy Head of that school. As part of the Government's policy and commitment to equalise Sacred Heart to St. Joseph's Middle, Bishop Fitzgerald and St. Anne's as much as possible in numbers and in posts, the Government agreed to a re-grading of the TLRs at Sacred Heart so that they were equivalent in value and salary to the TLRs at the other schools mentioned. This was introduced with effect from 6th October 2012.

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

So you are saying that you are still waiting for the results from the GTA/NASUWT survey because my understanding was that they had fulfilled their part in that role.

165 **Hon. G H Licudi:** The result of that survey certainly has not made its way to me or, as far as I am aware, to the Department.

In fact this is, the answer that I have given, has been done in consultation with both the current Director and the previous Director who was involved when the original TLR structure was put in place, the current Chief Executive, this is the information that I have been given. I certainly do not have the data and I am expecting to receive it from the GTA so that I can consider it and discuss it with them.

170 **Hon. E J Reyes:** Mr Speaker, the Hon. Minister said that he had conducted a process to equalise the TLR posts between the four Middle Schools in question. Has that, in itself, had an effect whereby the Head Teacher's salary which was assigned to a Group, has that also been equalised or does there still remain a disparity that some are Group 2s and others are Group 3s?

175 **Hon. G H Licudi:** My understanding and my recollection is that the re-grading that has occurred includes the Head and Deputy Head.

180 **Bayside and Westside Schools  
Equalisation of subject choices**

**Clerk:** Question 72, the Hon. Mrs I M Ellul-Hammond.

185 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say whether the Department of Education will be equalising the subject choices, curriculums of subjects and the formation of academic groups for the core subjects, at Bayside and Westside Schools and, if so, by when.

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

195 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, schools have their own individual identity based on culture and ethos and this should only change when it causes inequality of opportunity for young people. A case in point, for example, is that, for years, Bayside has *not* provided boys with the opportunity to repeat their GCSE year. They will now be afforded this as from September 2013.

200 Subject specifications, choice of grouping and grouping structure are decisions best left to the professionals at the scene. The Department of Education will only involve itself if these decisions give rise to situations which clearly breach basic equality of opportunity principles.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, why is it just left to the teachers? Will he parents and

the students not have a say, *and* the teachers?

205 **Hon. G H Licudi:** Mr Speaker, this is something that the teachers generally, the Heads and Deputy Heads, the management of the individual schools... What I am saying is that this is not something that the Department of Education itself – or myself – will get involved in when each school considers how best to structure their Groups. There are some differences between Bayside and Westside, for example, on how that is done but it seems to work for both of them and does not deny either of the schools, or the pupils of those schools, any particular opportunities.

210 Where opportunities are denied, as we identified with one school allowing repeats and the other not allowing repeats, that will be changed, but if the opportunities are the same, there will be some preferences, for example, in certain subjects that the girls prefer and other subjects that the boys prefer. That is best left for the school itself and the management structure of the school to decide.

215 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, what about choice of subjects at, say, GCSE level? I understand that, at A level, if a girl from Westside wishes to take a subject which is only available at Bayside as part of a consortium, joins that class for that, a system is not in place for GCSE. What about equalising subject choice at GCSE?

220 **Hon. G H Licudi:** Equalising subject choice at GCSE necessarily means removing some choices which are currently available because, if a school has one choice and another school does not, unless both schools have *all* choices and have sufficient teachers and resources to deal with *all* the choices available and have the timetable capability to deal with *all* the choices available, then that simply cannot be done. So either you remove some subjects and equalise them all, or you leave them each to decide which choices they should give.

225 In terms of what the hon. Lady mentions, about a student from one school going to another, for example with the consortium at A level and AS, there is a difference, of course, in that AS and A levels, the subjects themselves that are taken are few in number, three, sometimes four, and it is much easier for boys and girls to move around. They have free periods in order to do that and it is easier to timetable to meet those requirements, the requirements of the consortium.

230 At GCSE level, that would be virtually impossible. I am not sure whether the hon. Member, who was in the Department of Education for some time, would agree with this but, given the exigencies of the subject and the timetable at GCSE, it seems to me that would be next to impossible. If it could be done, I see no reason, in principle, why the Government would not support that – if it could be done – but, in practice, I envisage that it is not being done because it is simply not practical.

240 **Child protection issues  
Department policy**

**Clerk:** Question 73, the Hon. Mrs I M Ellul-Hammond.

245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise how the Department of Education deals with child protection issues and produce for this House a copy of the policy?

250 **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 safeguarding children, or child protection, is governed by the Gibraltar Area Child Protection Committee.

255 This is a statutory provision, or multi-agency body, under the Children Act 2009, comprised of members from the Royal Gibraltar Police, the Care Agency, Education and the Gibraltar Health Authority. The Committee meets regularly to discuss all pertinent matters concerning the safeguarding of children in Gibraltar.

260 The GibACPC – the Committee I have mentioned – commissioned a training team in 2008 to deliver safeguarding training to Gibraltar Government employees and Police working directly with children. Every Government school now has a minimum of two designated persons who have received Safeguarding and Promoting the Welfare of Children Training, Level 1, a course approved by the NSPCC, or the National Society for the Prevention of Cruelty to Children. This course provides comprehensive information, including procedures to be used in the event that a child is at risk, or is

265 suffering significant harm. Those attending the course are issued with a policy document: 'What to do if  
you are worried that a child is being abused'. That is a UK Department of Health publication from May  
2003 which covers procedures for referrals and post-referral action, including teacher involvement at case  
conferences, working in multi-agency capacity and keeping records. The publication offers flow charts  
for quick referencing.

270 Safeguarding training is on-going and in the academic year 2011/2012 alone, 32 teachers received  
Level 1 training. In addition, the training team now offers Level 2 training and this, too, will be on-going.  
The Department of Education has produced a draft Safeguarding Children Policy document specifically  
for schools and the Gibraltar College. This document serves to provide guidelines to schools and the  
College with respect to the safeguarding responsibility. Given that the policy is in draft form, it would not  
275 be prudent to disseminate until a final version is produced.

**School IT provision  
Disparity between Bayside and Westside**

280

**Clerk:** Question 74, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain why Bayside  
285 School has a committed IT technician and Westside School does not and whether this will be rectified as  
part of the Government's commitment to IT services for all schools in their manifesto.

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

290

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G  
H Licudi):** Mr Speaker, Government's IT and Logistics Department is now required to provide IT  
services for schools. Historically, Bayside has had an IT technician post assigned to it, whereas Westside  
did not. When this post became vacant in 2009, it was never filled, yet the vacancy was covered by a  
supply IT technician.

295

This is one of the anomalies that this Government committed to rectify – that is to say, the anomaly of  
having permanent posts covered by supply workers. The technician at Bayside was, therefore, given  
permanent employment with the IT and Logistics Department and he is now seconded to Bayside. I can  
also confirm that the recruitment of extra technicians for the provision of IT services in all schools,  
including Westside, is well underway.

300

**Homework Support Group  
Government policy**

305

**Clerk:** Question 75, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister for Education now in a position to  
310 explain how the Government's 'Homework Support Group's' policy will work and when the programme  
will start?

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

315

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G  
H Licudi):** Mr Speaker, I am happy to report that this is, in fact, already being piloted at different levels.  
Within the secondary sector and in the core subjects, students who require additional help with their  
extended work, homework, are systematically being supported by teachers during lunchtimes and, indeed,  
after school.

320

Secondly, the Department of Education has put in place additional support classes for GCSE and A  
Level Mathematics hosted at the Department of Education on a weekly basis, where students are taught  
essential problem-solving skills and, crucially, how to apply what has been covered in class in a range of  
unfamiliar situations.

325 Clearly, all this is work in progress and the advisory service is constantly monitoring and evaluating  
successful implementation and future demand.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the pilot be set up for the primary sector?

330 **Hon. G H Licudi:** As I have said, this is something that is being piloted at the moment over the course of this year. We will review, at the end of this academic year, and see to what extent, and how, we can extend this to other sectors.

335 **Department bus driver  
Status of post**

**Clerk:** Question 76, the Hon. Mrs I M Ellul-Hammond.

340 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say whether the full-time post of Department of Education bus driver has been filled?

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

345 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the vacancy was first advertised internally on 2nd February 2012 and then on 19th September 2012 but there were no eligible applicants.

350 The vacancy was subsequently advertised in December 2012, opening the vacancy out to applicants from Government Agencies and Authorities to widen the range of potential applicants. The closing date was Friday 11th January and I am, therefore, expecting the vacancy to be filled very shortly or imminently.

355 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister have an idea of how many people applied for the job?

**Hon. G H Licudi:** Mr Speaker, I have absolutely no idea. The closing date was last Friday and I have not enquired or become involved in the number of people that do apply but I do expect, and I am pushing for this particular vacancy to be filled as soon as possible.

360

**15-year olds dropping out of school  
Government policy**

365 **Clerk:** Question 77, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker can the Minister for Education state how many 15-year olds dropped out of school during the academic year 2011/2012 by school and how many 15-year olds have dropped out this academic year so far by school and how is Government catering for them?

370

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

375 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the numbers of 15-year olds who have left school are as follows – Bayside 2011/2012 – 29; Westside 2011/2012 – 7 and, so far in 2013, or rather this academic year, Bayside 5 and Westside 3.

All 15-year olds who drop out of school are entitled to register at the Employment Service, where they are interviewed to assist them in obtaining employment.

380

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are you saying that they will be put on the Future Job Strategy Scheme?

385 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** In the case of the school leavers – and, in fact, we are talking about between 15 and 18 – we have identified over 100 who are interested in going into construction trade apprenticeships. We are talking to people from City and Guilds in London, with a view to introducing construction trades training which is more relevant to what is

required by the industry in Gibraltar than some of the stuff we have been doing in the past, which has been too closely following the curriculum of the United Kingdom.

390 For example, recently in the UK they introduced a requirement to be trained in central heating to qualify for an NVQ in plumbing, so we are looking in particular at the multi-skills NVQ qualification of City & Guilds, where somebody can do a variety of tasks like bricklaying, plastering and tiling, instead of it being three different trades. We have already identified over 100 who have expressed an interest in that area and are now being familiarised with the world of the construction industry.

395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, finally, will Government consider raising the minimum school leaving age to sixteen after an attempt at GCSE exams?

400 **Hon. G H Licudi:** Mr Speaker, that is a power which the Minister for Education currently has under the Education Act and it is a matter that I will be giving consideration to, in conjunction with the professionals, as to whether that is, in fact, the right option, the right thing for us to do. That will be done, clearly, in consultation and in conjunction with the Employment Service as to whether we should require children up to the age of 16 to stay at school and thereafter either to carry on with their education or receive employment opportunities. It is a matter that is being given consideration.

405 **Hon. E J Reyes:** Mr Speaker, I am grateful to the Minister for Employment for his contribution/clarification.

Is the Minister for Employment aware of some problems that were experienced in the United Kingdom whereby, following the example he just gave, instead of an apprentice just coming out with an NVQ Level 2 – for example, in bricklaying or tiling – there is a more collective one, where I think the nomenclature is the ‘wet trade’ and, although they ended up with a valid City & Guilds accredited NVQ Level 2 craftsman status, the problem experienced in the UK was that potential employers were not quite keen on that because they felt the individual was not specialist enough. He had just basic knowledge of bricklaying and tiling and they were looking for more specialisation.

410  
415 I just raise this so that, I hope, the Hon. Minister will make himself aware of experiences where potential employers have not quite grabbed these newly qualified, more general trained craftsmen, because we do not want a situation where we are investing good money in good worthwhile courses and yet the employers are the ones that are not reacting favourably. I do not know if the Minister has already had some talks with that about that topic with City & Guilds itself?

420 **Hon. J J Bossano:** I think, Mr Speaker, that the hon. Member is quite right in respect of the reaction of employers in the UK.

I think the reason why the courses are structured the way they are is because they are structured like that in response to the requirements of the UK industry. In effect, that reflects that the training in the UK is primarily for new construction and, clearly, in new construction, a bricklayer is much more productive but is only used for bricklaying and then moves on to another building site to carry on with bricklaying.

425  
430 I think, increasingly, the requirement for a Gibraltar-based industry will be in the maintenance of buildings, rather than in the construction of buildings. So, whereas we may need to import the workers when the building goes up initially, what we are now finding is that we are not producing enough people to look after those buildings and, in looking after those buildings, it is not a question of building a building from scratch, in terms of brickwork, but rather replacing the odd brick here and there or, you know, putting in a bathroom or having to knock down something and put it up again. That is where the multi-skilled element means that, in effect, what we are trying to produce here, is what is available now from sources in Spain and Portugal, where what we call a mason here is really a multi-skilled wet trade craftsman that can do tiling, bricklaying, plastering and rendering – all four trades – whereas, in the UK, they tend to be four different skills, with four different qualifications.

435  
440 We are trying to make the local qualification of the *standard* of the UK but of the content of what the industry in Gibraltar requires, because one of the arguments that we have found with the people that we have produced is that somebody says they want a mason and we can deliver a tiler or a bricklayer or a plasterer, but we have not got a mason and we are not producing them.



**ENTERPRISE, TRAINING AND EMPLOYMENT**

445

**Statutory benefits  
Unemployed Moroccan workers**

450

**Clerk:** Question 52, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Social Security state how many of the 42 Moroccan workers registered unemployed, as answered in Question No. 1055/2012 are in receipt of Unemployment Benefit or Social Assistance?

455

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

**Minister for Enterprise, Training And Employment (Hon. J J Bossano):** Mr Speaker, I will answer this Question together with Questions 53 and 55.

460

**Statutory Benefits Fund.  
Actuarial review**

465

**Clerk:** Question 53.

470

**Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Social Security say if the Government has conducted an actuarial review of the Statutory Benefits Fund during 2012, in order to determine the long term liabilities of the various Statutory Benefits payable arising from the Social Insurance contribution?

475

**Maternity Grant applications**

**Clerk:** Question 55.

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**Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Social Security say if any application received and approved for Maternity Grant, as shown in the Government website table SS.3 as updated on 10th December 2012, emanated from a common law relationship, whereby the contribution made by the mother was insufficient in accordance with the rules of the scheme but, on the other hand, the contributions of the biological father did meet the contributions required for a married father?

485

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

490

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, of the 42 Moroccan workers mentioned, two were in receipt of Social Assistance and one in receipt of Unemployment Benefit. There has been no actuarial review of the Statutory Benefits Fund and, in relation to the Maternity Grant, no such applications have been received.

495

**Hon. J J Netto:** In relation to Question 52, of the 42 Moroccan workers, the answer provided by the Minister is that there are two in Social Assistance and one in Unemployment Benefit. Do I take it, therefore, that there are 39 Moroccans with, perhaps, no income whatsoever?

500

**Hon. J J Bossano:** Well, it does not follow that they have no income whatsoever, if the hon. Member remembers, they range up to the age of seventy-two. Therefore, they have Household Cost Allowance and they have got Old Age pensions, if they are resident in Gibraltar, after the age of 65. The position is that the ratio is no different from the ratio generally in terms of the unemployed, where the proportions that are getting benefit is limited, compared to the numbers that are unemployed not receiving either Social Assistance or Unemployment Benefit, as he must know since those ratios have not changed since he was there.

505

**Hon. J J Netto:** My understanding would be, Mr Speaker, that these particular unemployed Moroccans would, although registered as unemployed, they would not be in receipt of Community Care, as the Hon. Minister has just stated.

Therefore, one probably concludes that the only reason why they are still registered as unemployed is because they have no other source of income – whether it is a pension – at all. So it must almost necessarily follow that, if they are registered unemployed, they are not in receipt of Unemployment Benefit, they are not receiving Social Assistance, they are not in receipt of Community Care and, most probably, they are not in receipt of any pension, whether Social Security pension or any occupational pension, that they have no income whatsoever – taking into account the situation where most of these people have been in Gibraltar, working in Gibraltar, paying taxes, paying Social Insurance, and not receiving anything from the State, despite the contributions they have made to Gibraltar.

If that is not the case, would the Hon. Minister please look into the matter to try and see whether there are these people who have been long-standing residents in Gibraltar and have no income whatsoever? If that is the case, will the Government or the Minister make a review to ensure that these Moroccans are not destitute with no source of income?

**Hon. J J Bossano:** Well, Mr Speaker, the hon. Member is making a whole series of assumptions and then asking me to do something to investigate if his assumptions are right and to do something to correct his assumptions, if they prove to be right.

All I can tell him is that the position of the Moroccans has not changed since 9th December 2011. Therefore, if they were destitute then, they are destitute now. I do not believe they were destitute then or now because, it seems to me, I have just produced the answer to the Question, which asked specifically, of the 42, how many were getting Social Assistance.

I will find out if the 42 qualify for Social Assistance. Because it is means tested, I can only suppose that the level of the means test prevents other people from getting Social Assistance. The fact that they are Moroccan does not mean that the test applied to Moroccans is any different to the test applied to Gibraltarians. For means-tested benefits, I am sorry, the hon. Member is wrong. He may say ‘Yes’. If he knows that we have had one regime for Moroccans, in terms of being able to get Social Assistance, which is different from the regime that applies to Gibraltar, and he has known it for 15 years, perhaps he can let me have the information and save me having to carry out the research. I will see if I can put right what he allowed to be wrong for 15 years!

**Hon. J J Netto:** Mr Speaker, the system in place is the system that he introduced when he was Chief Minister, in other words move the benefit from being statutory to being an administrative rule so the system is the system he introduced. But given that he is not going to do anything in terms of at least *looking*, which is not a major exercise, looking whether these 39 Moroccans given that he is both the Minister for Employment *and* Social Security, he can easily, with such a low figure, take it to the Social Security Department, make a review and see what the [*inaudible*] but if he does not want to do it, fine: he does not want to do it.

Moving on, Mr Speaker, in relation to Question 53, in terms of my question, which is an actuarial review, I think the Minister said that no actuarial review has been conducted during the course of 2012. Could I perhaps ask him, in a supplementary question, whether the Government does not believe that having an actuarial review is a good thing in itself, particularly given the manifesto commitment of the Party opposite in Government to make a review in this particular area, in order to inform their decisions whenever they wish to do any amendments in this particular area of work.

**Hon. J J Bossano:** Obviously, Mr Speaker, if we thought that it was necessary to have an actuarial review we would have done it. Since he likes to make deductions from the answers, I would have thought he deduced already that we did not think it was necessary when I told him we had not done it.

In fact, I have to tell him that the Government in which he served did not think it was necessary, either, when I raised it from his side of the House. Perhaps he should go back and look at the answers that I was given. The reason for that was that, at one stage, when actuarial reviews were being done, they were being done on the basis that the Social Insurance Benefits were funded partly from the return on the investments and partly from the contributions and it was in order to recommend the increase in contributions that was required, by projecting forward the return on those investments.

As I think the former Chief Minister told me in answer to my question, in relation to the matter, some years ago, the position now is that, with present interest rates, there is no way of making the Social Insurance Fund self-funding and, effectively, it is a pay-as-you-go fund, which means that you collect the money and you pay it out, except that the amount that we collect is £10 million a year less than the amount that we pay. You do not require to pay an actuary to know that you have got a deficit of £10 million. All you need to do is to look at the accounts. And you do not need an actuary to tell you, in fact, that if you want to wipe out the annual deficit of £10 million by how much you need to increase the contributions. The reason for the actuarial review was making a projection in terms of the prospective burden on the Fund in the future.

I can tell him that one of the shortcomings in the last actuarial review that was made was that it was

570 based on the resident workforce and he may or may not know that the Department of Social Security produced a report some years ago – I think it was in 2010 – pointing out the long-term problem that there was with all the workers that are not resident in Gibraltar who, under Community law, if they had done 52 weeks here, will eventually be entitled to a pension. It is in the knowledge that that problem exists in the future, that we are looking not so much at getting an actuary to tell us how much more we all need to pay, which may well be double what we are paying now, in order to put the existing Fund on a sound footing but we are looking – and I am specifically looking – at how we can create a Fund for the future that addresses that problem.

575 It is not simply a question of an actuarial review because, fundamentally, an actuarial review would be if we were intending to keep with the system, which is already losing £10 million a year, and loses an *increasing* amount every year because, in fact, the ratio of recipients of benefit to contributors is all the time changing negatively: that is to say that, every year, there are more people being paid than people paying in.

580 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Minister for Employment actually have any figures in relation to the ages of these 42 Moroccan unemployed, with him?

585 **Hon. J J Bossano:** No, I have not got it with me, Mr Speaker, because I gave them in the answer to the question, as referred to by the original Question. I gave the age of each and every one of them. How many there were of 60 or 61 or 62, all the way to 72.

590 **Hon. D A Feetham:** Is he also satisfied now... We do not know what the unemployment figures are, I have got a question in the Order Paper later on. He did say, on the last occasion, that he thought that unemployment was around the 500 figure mark (**Hon. J J Bossano:** Yes)

595 When I last asked him, is he satisfied, on the basis that it is about 500, therefore the percentage is about 8.4% Moroccan workers... The 42 account for about 8.4% of the overall unemployment figures. Is he satisfied that that figure does not indicate a high level of unemployment amongst the Moroccan community, bearing in mind the number of Moroccans here in Gibraltar? Is he satisfied with that and that these are within normal parameters?

600 **Hon. J J Bossano:** The mission of the Employment Services is to employ everybody who is registered as unemployed, irrespective of their nationality or their age. It is not very normal to have people over 65 who are already drawing a pension, registered as unemployed but, in Gibraltar, the pension is not related to having to give up work, like it is in the United Kingdom.

605 In the United Kingdom you could not have both your Social Insurance pension and be registered and be working but you can here. Therefore, people are perfectly entitled, *after* they retire, to register and seek a second job and the group that we are talking about specifically... the original question was over 60. So, the fact that there are... (*Interjection*) Over 60, yes.

**Hon. D A Feetham:** So the position with the 42 is that these 42 are over 60. In fact, there may well be more Moroccan unemployed that are over 60.

610 **Hon. J J Bossano:** Yes.

**Hon. D A Feetham:** I understand.

615

**Future Job Strategy scheme  
Persons employed previously and in receipt of social assistance**

620 **Clerk:** Question 54, the Hon. J J Netto.

625 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment and Social Security say how many of the persons employed, who have been in receipt of Social Assistance in the age group 18 to 25, are shown in the Government website Table SS.8 as updated on 10th December 2012, found employment through the Future Job Strategy Scheme or through alternative means during 2012, broken down by month and gender?

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

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will

630 answer this question with Question 56, 58, 59 and 64.

635 **Future Job Strategy scheme**  
**Companies which have signed contracts with ECTL**

**Clerk:** Question 56, the Hon. D A Feetham.

640 **Hon. D A Feetham:** Mr Speaker, can the Minister for Employment state how many companies signed contracts with Employment Training Company Limited as at 31st December 2012?

645 **Future Job Strategy scheme**  
**Trainees placed in public service**

**Clerk:** Question 58.

650 **Hon. D A Feetham:** Mr Speaker, can the Government provide a breakdown of Government Departments, Government companies or Authorities in which each Future Job Strategy trainee is placed, indicating in relation to each, the type of training that person is receiving?

655 **Future Job Strategy scheme**  
**Trainees placed in private / public sector**

**Clerk:** Question 59.

660 **Hon. D A Feetham:** Can the Minister for Employment state, as at 31st December 2012, how many Future Job Strategy trainees were placed in the private sector and how many in the public sector.

665 **Future Job Strategy scheme**  
**Companies which have signed contracts with ECTL**

**Clerk:** Question 64.

670 **Hon. D A Feetham:** Mr Speaker, is the Minister for Employment now in a position to provide a list of names of employers who have signed contracts with Employment Training Company Limited in respect of the Future Job Strategy employees.

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

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the number of trainees who found employment through the Scheme in 2012, broken down by month, is as follows – February – 1; April – 1; May – 2; July – 2; August – 2; September – 1; October – 2 and November – 1. Broken down by gender: nine males and three females.

680 The number of trainees who found employment through alternative means by month was January – 2; February – 4; March – 1, May – 1; July – 3 and November – 2. The gender breakdown is nine males and seven females.

685 **Mr Speaker:** If I may interrupt the hon. Gentleman. Did you say May – 1?

**Hon. J J Bossano:** No. Male nine and seven females. The gender breakdown.

**Clerk:** No, May – the month of May.

690 **Mr Speaker:** The month of May.

**Hon. J J Bossano:** No. No. Oh, in May... Sorry, in May it was 4.

695 As at 31st December 2012, 179 companies had signed contracts with the Employment and Training Company Limited. The persons receiving training through the public service are distributed in the following areas:

700 Care Agency; Ministry of Enterprise; Training & Employment; Department of Social Security; Department of Consumer Affairs; Department of Education; GHA; Citizen's Advice Bureau; Gibraltar Court Service; Gibraltar Sports and Leisure Authority; Gibraltar Tourist Board; Ministry of Sports, Culture, Heritage and Youth; Human Resources Department; Royal Gibraltar Police; Statistics Department; Treasury Department; Gibraltar Bus Company; Ministry for Social Affairs; Ministry of Finance and Education; Gibraltar Electricity Authority; Gibraltar Maritime Administration; Income Tax Department; Housing Works Agency; Department of Postal Services and Terminal Management.

705 The type of training that these individuals are receiving are as follows: Administration and office skills – 81; Construction – 59; Social and health care training – 43; Mechanical and allied trades – 24.

As at the 31st December 2012, 331 trainees were placed in the private sector and 207 were placed within the public sector. The following employers have signed partnership agreements with ETCM: Acehoba Limited; Music Copyright (Gibraltar) Limited; Hammonds; SFA Total Refurbishments; A & K General Builders Limited.

710 **Hon. D A Feetham:** Mr Speaker, unless I am mistaken, he has not answered... Ah! That was the one... I beg your pardon, 57... We have not asked 57, just 56 and then we went over to 58.

715 Mr Speaker, just in relation to 56, the number of companies that have signed contracts with Employment Training Company Limited as at 31st December 2012, can the Hon. the Minister for Employment confirm that every single one of those companies that have signed contracts actually has a trainee placed with them.

**Hon. J J Bossano:** I cannot tell him at this very moment how many have because, in fact, they all have different starting dates and different finishing dates.

720 There are some companies, for example, that have taken on some people, employed the ones they took initially, and asked for more trainees. There are others that have only taken on trainees in the last month or so and there are others that may have taken the trainee on after the completion and no longer have any, but I would say those are the minority because the initial thing was 11 months, starting from February onwards. Therefore, there were very few on 1st February when the system came into being and although, 725 in some cases, the period of the training has been less, quite a lot of these training agreements were for the eleven months and therefore would be expiring in January. So there would be, I would say, quite a lot of the 179 – if not all of them – still have some people of the ones that started initially but are now reaching the end.

730 **Hon. D A Feetham:** Yes, the reason why I ask is because I asked a Written Question – Question 257/2012 – I asked this question in writing and you very kindly provided a schedule containing the answer. There were 22 companies that did not actually have any trainees that had signed contracts, but did not appear to have any trainees. Can he explain why such a large number of companies that have signed contracts with trainees – I can, in fact, hand over the schedule to him so he can verify for himself... but that is the answer that he gave me in writing in December last year.

735 **Hon. J J Bossano:** Well, yes. There is no mystery, Mr Speaker.

740 I am telling him that the trainees go in and come out. Therefore, people can sign... they sign the contract at the beginning and the training may start later. That might have been either people who have not yet taken them on or who have now employed them. It does not mean that there has to be a simultaneous, instantaneous commitment translated into [*inaudible*]. Somebody can sign an agreement this week and the trainee can start in three weeks' time, or somebody could have signed the agreement and the trainee finished three weeks ago.

745 At any point in time there will be a given number that are in the process of either taking them on as employees or starting on with new trainees. There is nothing special about 20

750 **Hon. D A Feetham:** Can it also include a situation where the company has signed the contract with ETCL but, in fact, has not decided to take on the trainee on a permanent basis? Therefore, the figures that you are giving me – the 179 – actually includes, within that, a number of companies that have done precisely that, taken somebody on but then said this person is not suitable and sent them back to the ETB. Can that also explain the figures...?

**Hon. J J Bossano:** I think it is important to recall that we are not training people where there are no jobs. There are vacant jobs in respect of which we are providing trainees from the Department. Therefore,

755 this is clearly an inducement to overcome the argument of an employer, that the reason why they bring somebody from outside is because there is nobody trained here.

760 If we provide somebody, we give the person a choice of a number of possible candidates. The employer selects the trainee and has a month in which to decide whether they consider that person to be suitable. If, at the end of the month, they send that person back, then they get given a replacement. There is no case of a company saying: 'I'm signing an agreement and then you send me somebody for one month – I don't want this one and don't send me any more...' That does not happen – if that is the question.

765 **Hon. D A Feetham:** Mr Speaker, what I am trying to really look at, and trying to verify for myself, is the success of the Scheme. Of course, you say there are 179 companies that have signed contracts with ETCL: of course, we then look at the number of trainees that have actually been taken on permanently – and I accept that we are now coming to the end of the 11 months for the first batch of –

**Hon. J J Bossano:** Yes.

770 **Hon. D A Feetham:** – people that signed contracts but, in relation to the success rate – and the success rate is relatively low... I am not suggesting that it is going to remain low and I hope the Hon. the Minister for Employment is very successful in ensuring that trainees find employment. But, of course, the figures that he is giving me is that 12 trainees have actually found a job as a consequence of the Scheme – the Future Job Strategy Scheme – placed and then taken on by the employer. That is 12: nine male, three female so, of course, there appears to be a discrepancy at the present moment. 'Discrepancy', perhaps, is the wrong word but there is a gulf between those 12 and the 179 contracts.

775 One would expect there to be a figure closer to 179 people that are ultimately taken on, so can he assure the House that, in fact, when one looks at these figures that he is confident that, come the maturity of these contracts, so to speak, after 11 months that the figure is going to be closer to 179 rather than obviously the 12 that it is at the moment?

780 **Hon. J J Bossano:** Well, it is a little bit closer because I can tell the hon. Member that this figure is at the end of December and it is already closer today, that is, there have been a number that have been taken on since.

785 I think there are two elements in the arithmetic that he is doing that he is overlooking. One is that there are people who have left and found another job but in the same industry. That is to say, we have got people who are in construction training who finish up maybe working for somebody else rather than the person who is training them. There is nothing... We cannot penalise the employer for that. And there are people who have found jobs in a completely different industry where, in fact, the nature of the training is not as specific as construction.

790 We have, for example, somebody that may have been training to be a receptionist in a legal firm and has found a better job in a gaming company and left, so they are in the figures that I gave him. I gave him both the people who have found work, other than with a training provider, and the people who have found work *with* the training provider.

795 So, the answer is that it was not because the training provider did not want them. I think the fact is that the some of the employers are not entirely happy about the situation where they do the training and then somebody else gets the benefit of that training, but the commitment applies only one way. We do not have a requirement that the trainee cannot go. It is that the trainer has either to take him on or pay.

800 **Hon. D A Feetham:** Yes, Mr Speaker.

805 Of course, the answer the hon. Gentleman has just provided me also makes an assumption – an important assumption – because it is underpinned by the assumption that the 16 who found jobs off their own bat, so to speak, have been employed in the same industry and that the placement that they had in relation to the Future Job Strategy, and whatever training they may have received, was actually *relevant* to the job that they ultimately found. Can the Minister, perhaps, enlighten this House in relation to that? Does he know, out of the 16 that found jobs off their own bat, how many of those actually found employment in the same industry or sector in which they were trained as Future Job Strategy trainees.

810 **Hon. J J Bossano:** Well, I can only give him an indication, Mr Speaker, because he is not asking me a supplementary about the Question he has put now, he is asking me a supplementary about the written answer to a written Question of the last House.

815 **Hon. D A Feetham:** I am asking him in relation to the answer that he has given to the Question that my hon. Friend, Mr Netto, has asked. Because you have batched his Question with mine and because they are relevant to mine, I have sought to ask you a supplementary in relation to that. But it is in relation to

No. 54 that you have answered: Nine male, three female have found jobs as a consequence of their training and within the company that they were placed as Future Job Strategy trainees, and nine males and seven females have found jobs off their own bat but not in the company that they were placed...

820 **Hon. J J Bossano:** Yes. Those were people within the ages between 18 and 25. Therefore, in that area, what I have told you in relation to the normal working of the Scheme does not necessarily apply – that was in relation to the information on the internet, in the table from the Social Security.

825 **Hon. J J Netto:** Mr Speaker, I wonder whether the Hon. Minister can clarify, because the figures that he has provided me in Question 54 do not seem to square up with the Government figures on the Government website. From the figures he has provided me, (*Laughter*) after looking at the column 18 to 25, it did say there had been a total of 10 people who found employment through the Future Job Strategy Scheme and there had been another 16 who had found employment through other means. That makes it a total of 26. When we look at the Government website for December, which is what my questions asks –  
830 December – the number of people in December who found employment in the column, 18 to 25, is 4, so am I missing something out or does the figure not tally?

**Hon. J J Bossano:** Mr Speaker, the answer that was prepared, was prepared on the basis of all the people that were in that table who had found employment at different months of the year.  
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**Hon. J J Netto:** No, for December. If the Hon. Minister would give way – if he goes to my Question, my Question asked for December.

**Hon. J J Bossano:** No, the hon. Member asked in respect of December: the reference is *as updated* in December and the table was updated in December but it does not mean that it was updated by putting a figure about December. It was updated because the last time the figures were there were for June and the  
840 –

**Hon. J J Netto:** So do I take it that the figures given me is from January to December.  
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**Hon. J J Bossano:** Absolutely, yes.

**Hon. D A Feetham:** Yes, Mr Speaker. In relation to Question 58, he gave me a list of Authorities and a list of Departments which is all very helpful, and he also gave me the totals at the end. What he did not give me – what the Question asks – is a breakdown in relation to each Department where those trainees are actually placed. In other words, in the Department of Trade and Industry, or Department of Enterprise, there are three trainees; in the Leisure Authority there are nine trainees. That is what I was asking. Does he have that information, that he can provide, because that is the question?  
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**Hon. J J Bossano:** I do not have that information, but I did give him the answer last time when he asked the same thing. I told him that people are moved from one area to the other and I can tell him that the answer I can give him today will not necessarily be true tomorrow. Now, if that is what he wants to know, at a particular day on a particular time – how many there were in different places – then I can get that for him but it is not that they are there permanently.  
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**Hon. D A Feetham:** No, I understand that they are not there normally.

The Questions are all designed to give me a picture of what the position is on a quarterly basis. I don't mind if the hon. Gentleman provides that information on a quarterly basis and I don't have to ask him on a month by month basis, but I would certainly appreciate if the hon. Member were to provide me with that information because it is what the Question asked. I will then not ask the same Question until three months' time so that I know what, effectively, the movement of trainees is within Departments on a quarterly basis, providing me with a picture. I do not need it on a monthly basis, but if he can... Can he write to me and provide me with that information, bearing in mind that I have already asked the Question...  
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**Hon. J J Bossano:** Yes, there's no problem with that, Mr Speaker.

**Hon. J J Netto:** Mr Speaker, I have done the exercise once again on the basis of the latest information and it still does not tally. The figures he produced was 26 but if you add the column on the Government website it's 32.  
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**Hon. J J Bossano:** I will check the accuracy of the figures. All I can tell him is that, Mr Speaker, I

880 spent a lot of time asking people to make sure that the answers that they give tally and have them working overtime on Saturdays and Sundays to make sure it happens, but it may have escaped the tally that they are required to do. I will make sure that, if there is an inaccuracy in the numbers given, it is put right.

885 **Registered unemployed  
Figures for 2012 quarters**

**Clerk:** Question 57, the Hon. D A Feetham.

890 **Hon. D A Feetham:** Mr. Speaker, can the Minister for Employment provide the figures for registered unemployed for each of the quarters in 2012?

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

895 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this Question with 60, 61, 62 and 63.

900 **Job vacancies  
Figures for 2012**

**Clerk:** Question 60.

905 **Hon. D A Feetham:** Mr Speaker, can the Minister for Employment state how many job vacancies were being filled by people who were registered as unemployed between (a) 0-3 months (b) 3-6 months (c) 6-12 months (d) 12-24 months and (e) above 24 months for 2012?

910 **Registered unemployed  
As at 31<sup>st</sup> December 2012**

**Clerk:** Question 61, the Hon. D A Feetham.

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

920 **Notice of termination / engagement  
Public sector for 2012**

925 **Clerk:** Question 62, the Hon. D A Feetham.

930 **Hon. D A Feetham:** Can the Minister for Employment state how many (a) notices of termination of employment and (b) notices of engagement of employment were received by the ETB from the public sector in 2012 including, for the avoidance of doubt, Government-owned companies and Authorities, divided by nationality?

935 **Notice of termination / engagement  
Private sector for 2012**

**Clerk:** Question 63, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment state how many notices of (a) termination of employment and (b) engagement of employment were received by the ETB in respect of the private



940 sector in 2012, divided (a) by nationality, and (b) by industry sector.

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

945 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the average figures for registered unemployed Gibraltarians for each quarter of 2012 are as follows: 1st quarter – 522; 2nd quarter – 4...

I'll start again. The average figures for registered unemployed Gibraltarians for each quarter of 2012 are as follows: 1st quarter – 522; 2nd quarter – 484; 3rd quarter – 588 and 4th quarter – 493.

950 The vacancies filled in 2012 by registered unemployed between a period of 0-3 months – 7,149; from 3-6 months – 208; from 6-12 months – 78; from 12-24 months – 28; and 24 and above – 72.

Registered unemployed as at 31st December 2012, broken down by the period of time registered, were: up to 3 months – 200; 3-6 months – 106; 6-12 months – 62; 12-24 months – 16; and above 24 months – 19.

955 **Hon. D A Feetham:** 19?

**Hon. J J Bossano:** 19: 1-9.

In the public service in 2012, the number of terminations by nationality was as follows: Gibraltarian – 588; Moroccan – 23; British – 113; EEC – 18; Non EEC – 2; Spanish – 68.

960 Engagements, by nationality, in the public sector were: Gibraltarians – 1,267; Moroccan – 11; Other British – 153; Other EEC – 18; Non EEC – 4; Spanish – 40.

In the private sector the terminations, by nationality, were: Gibraltarians – 2,086; Moroccan – 100; Other British – 1,601; Other EEC – 1,012; Non EEC – 120; Spanish nationals – 1,924.

965 By Industry Code, the breakdown is as follows: Water Supply – 5; Shipbuilding – 301; Other manufacturing – 59; Construction – 1,449; Wholesale – 100; Retail Trade – 590; Hotel Trade – 62; Bars and restaurants – 689; Repair of consumer goods – 42; Sea transport – 104; Air transport – 8; Road transport – 146; Post and communications – 17; Banking Finance and Insurance – 879; Public Administration – 141; Police and Fire Services – 153; Education – 54; Medical and Health Service – 36; Other Services – 2,008.

970 Engagements in the private sector in 2012, by nationality, were: Gibraltarians – 1,521; Moroccans – 79; Other British – 1,628; Other EEC – 934; Non EEC – 132; Spanish nationals – 1,748

As I informed the Member before, the computer programme does not provide the function of giving a breakdown by industry in respect of vacancies filled.

975 **Hon. D A Feetham:** Mr Speaker, obviously in the time available I cannot do an analysis in relation to Question 62 and Question 63. I did do the analysis the last time I asked – I have asked on a number of occasions but for the last time I had useful information, for a useful period of time, I undertook the analysis and – I am just looking at my analysis and then ask the Question – if one looks at the notices of engagement and the notices of termination both between the private sector and the public sector for the first six months of last year, in relation to the private sector there is a deficit of engagement, in relation to terminations, of 108. In other words, there are 108 more terminations than there are engagements.

980 In the public sector there are actually 610 in the public sector surplus, so there are 610 more engagements than there are terminations. Does he know whether that is the trend that continues, from the figures that he has provided me, right through the year, from June last year when I last did this exercise? I did it for the first six months. Does he know whether that trend carries forward?

985 **Hon. J J Bossano:** Well, the trend is in the same direction. I cannot tell him offhand whether it is to the same degree. That is to say, I cannot tell him whether the numbers in the second half have been the same as the number in the first but I can tell him that the number has been a decline in the private sector and an increase in the public sector in the second half as well.

990 **Hon. D A Feetham:** Yes, I appreciate the answer. That is precisely what I thought would be the trend. Can the Hon. the Minister for Employment provide an explanation as to why there is this trend of a decrease in notices of engagement in relation to those of termination in the private sector?

995 **Hon. J J Bossano:** Well, Mr Speaker, the answer to that is already available to him in what I have read out because there is an industry breakdown. He will see that the biggest single increase in terminations is in the construction industry, and when I have given him the industry breakdown, he will see that, although it is spread throughout the industry, 1,449 are in the 'construction sector' and 'other services' is the biggest of the lot, which is 2,008. In the 'other services' we have a fairly high turnover in the gaming industry, where the figures are very high but, in fact, the terminations have been of this order

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regularly. That is to say, there is... I mentioned before that we have a very, very high churn of workers in the private sector – of the order of 30% or 40%.

1005 **Hon. D A Feetham:** Yes, Mr Speaker, but you see, again, in June and July of this year, when I looked at the figures for the loss of employment within the construction industry, the loss of employment within the construction industry had actually occurred at the beginning of last year. It happened to coincide with the fact that the new Government – the new administration – had come into office, had stopped virtually  
1010 all of the projects that pertained from the previous administration and there were a lot of construction workers laid off at the beginning of the year. Now, is he saying that that construction lay-off has actually continued across the year because I don't think that is right?

**Hon. J J Bossano:** Well, the figure of 1,449 is for the whole year. I don't have the figure for the first six months but he will be able to tell, by comparing this with the previous one, how much more there has  
1015 been in the reduction in that area.

I think the hon. Member should remember that there is a constant, and there has always been a constant, move of workers in that industry from one employer to the other. That is, if one company loses a contract, they lay people off and if another company gets it, they take them on. In fact, in the economy as a whole the difference between the level of employment in December 2011 and the level of  
1020 employment in December 2012 is 120.

**Hon. D A Feetham:** Mr. Speaker, yes but, according to these figures that he has provided – the level of employment – the increases are in the public sector, not in the private sector, so any increase has been  
1025 in the public sector.

Can I ask the hon. Gentleman, is he concerned by this apparent loss of jobs in the private sector and does he expect there to be an upturn in jobs in the private sector in relation to this coming year – looked at the last year – this coming year, bearing in mind any projects that the Government may have in the pipeline, for example? First, does he feel concerned about the trend and is he confident that the trend will be reversed this year?  
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**Hon J J Bossano:** Well, I can tell him the trend that will not be reversed this year, and that is that in the last 12 months, we have had a very substantial increase in the number of Gibraltarians working and that trend *will* continue in the next year. That I can tell you.

Therefore, Gibraltarians and other residents in the figures that I have given him, if he looks at it and he compares the nationality breakdown, he will find that there have been more Gibraltarians and British citizens gaining employment in the year than those losing employment in the year  
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What we have lost have been Frontier Workers who, clearly, only come in when we are short of workers locally. So if there was tomorrow, a great deal of increase in construction work and the industry is incapable of meeting that demand, people will come in and if those works finish, people will go out. That has been the pattern for as long as Gibraltar has been relying on imported workers for its construction industry – and that is where most of it is.  
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In the case of the other services, as I say, a big chunk of the other services are the gaming companies and whether they lay people off or they take people on is not something that is in the gift of the Government of Gibraltar. If it was up to us, I would have them taking on new people all the time but the private sector provides work because there is a *need* for manpower. To the extent that we cannot meet the manpower from Gibraltar's own resources, they have to bring them in from outside. It is the policy of the Government to try and meet as much as it is possible to meet from within Gibraltar and we hope to get there eventually.  
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**Hon. D A Feetham:** Mr Speaker, with respect to the hon. Gentleman, he has not provided me with an answer.  
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I understand that there has been an increase. What I am suggesting, and what the figures show, is that the increase in jobs has been in the public sector, not in the private sector: in the private sector there has been a *decrease* in jobs. I accept that, in the public sector, from the answer that he has provided me, the majority of jobs in the public sector have gone to Gibraltarians, in fact – not British: there is a deficit in British, certainly for the first six months of last year. (*Interjection by Hon. J J Bossano*) I accept Gibraltarians but that indicates that the Government is creating employment within the public sector, most of which actually happens to be Future Job Strategy trainees because there are 500 out of – for example, during the first six months of last year, the 608 in the public sector – Gibraltarians 500 and something of those, 50 of those were within the Future Job Strategy Scheme and the remainder were, obviously, increases of employment within the public sector.  
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An increase in employment in the public sector, whilst it may create economic activity – and I accept it : people in jobs then have money in order to get mortgages and spend etc – is not reflective of the

1065 general health of the economy and the labour market if what we see on the other side, in the private sector, is a decrease in jobs.

So, I will ask him again: is he satisfied that there is no downward trend in jobs in the private sector and none that the Government believes it has got to reverse during the course of this year?

1070 **Hon. J J Bossano:** Well, Mr Speaker, he knows the answer to the question that he is asking because he has actually identified that the bulk of those public sector jobs are people in training who will be given jobs by the private sector. They appear as public sector now but they will appear as private sector employees the moment the training is over. That is the answer: he knows it.

1075 **Mr Speaker:** Any other supplementaries?

**Public sector employees  
Breakdown and details**

1080 **Clerk:** Question 65, the Hon. D A Feetham.

1085 **Hon. D A Feetham:** Can the Government provide a breakdown, by nationality and department, of employees within the public sector, including Government companies and Authorities, on 11 month contracts stating, in relation to each, when they were first employed, irrespective of the date on which their current 11 month contracts commenced?

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

1090 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I am informed by the relevant Departments that this information is not computerised and therefore not readily available.

1095 **Hon. D A Feetham:** Mr Speaker, it is a very convenient situation indeed.  
Can the Hon. the Minister for Employment provide me with an indication of when he feels that this information might become available and if I asked it again – if I asked it, for example, next month – whether he would have the information next month? You see, we have expressed concerns on this side of the House in relation to the Government using these 11-month contracts to have people on revolving 11-month contracts and we don't believe that that is a fair situation.

1100 I have had exchanges with the hon. Gentleman across the floor of this House in relation to the use of 11-month contracts in relation to Spanish workers and we all agree that we all want more Gibraltarians in jobs. I agree, he agrees and everybody agrees, but to have a situation where you actually notify a worker, as happened last year – a Spanish worker in Mount Alvernia, just before Christmas – that their 11-month contract was not going to be renewed, apparently not for reasons about that person's suitability for the job, does not seem right to us. This is an important part of Government business because I also recall that, at the beginning of last year, the hon. Gentleman told me that, no, that the policy had not changed from the previous administration and that nobody was being put on revolving 11-month contracts. Well, if he knows that, he ought to know, effectively, the underlying information, too.

1110 **Hon. J J Bossano:** Mr Speaker, first of all, we cannot have put people on revolving 11-month contracts because that would require us to have been in 22 months and we haven't been. All the revolvings had been taking place before 2012 (**Hon. D A Feetham:** Not necessarily.) and we inherited people on revolving 11-month contracts in 2012 when we came in.

1115 Secondly, the hon. Member is asking me not about a specific sector of the public sector but about every single worker in the public sector and he is asking me to find out whether they were first employed with their first revolving 11 months in his time. That it is to say the hon. Member says it is very convenient that we have inherited from them a system that is incapable of answering this question about something that happened in his time. Well, all I can tell him is that, in 2012, there was nobody given an 11-month contract which has been there for a very long time without an 11-month contract... But I can  
1120 only tell him about 2011 and 2012. I can tell him it is impossible to examine manually the profile of each one of the 5,000 people registered with the ETB to find out when was the first time they started work. It is impossible, unless we chose to provide a massive amount of money for overtime and have people working every weekend for the next six months. I can tell him that the instructions to my Department are that they check and re-check the figures that I produce and they go back and look at the computer to make  
1125 sure that I am giving accurate information to him and to this Parliament.

1130 But he is asking a question which is about every public sector employee. I have no way of knowing whether every public sector employee is, or is not, on an 11-month contract and whether, before 2012, they had an 11-month contract which went back in time and whether they started work with an 11-month contract or they started work with some other kind of contract, which is what the Question seeks me to provide. It is not possible to do that other than manually and I don't know whether it is even possible with a computerised system to programme for that specific information because one of the things that he may be interested to know is that, in order to provide him with the information in the way he asks the questions, I would have to bring people in to alter the programme of the ETB so that they provide the breakdowns that he wants. It was not there automatically, but I am happy to do it if he is entitled to ask for information in the way that he finds most useful and we have got an obligation to provide him. I am sure he would remember that I also found that I wanted to have information in certain ways and I was told the amount of manpower that would be involved in doing these things manually would be prohibitive.

1135 As regards the specific example that he has given, about the case of the Care Agency, I can tell him that when it came to my notice I rang up the person responsible, the public servant responsible for having given this contract, and suggested that... it was not the most wise thing to do, to actually have a contract that terminated on Christmas Day. The answer that I got was: 'Look, we've recruited this person to cover maternity leave and it so happens that her contract ends on the day the person comes back. Unless I get a political directive to keep people beyond their maternity cover for which they were recruited, they were recruited on a contract that ended on that day... they were told it ended on that day when they were recruited and the reason for the day is that the person happens to be coming back on that day from maternity leave.' So it was not a political decision, it was a decision that was taken at the time by the people who are employed to take these decisions. The fact that they took it, to me, it seemed odd to... I would have thought if you were going to have somebody working at the very least you would want them to carry on working over the Christmas period when, in any case, there is usually a demand for workers because people tend to be away from work in that.

1140 It was not that somebody was being spiteful by choosing to put somebody on the dole on Christmas Day. It just happened to be like that and I asked for an explanation, without having to be prompted by a Question and by having it raised here, simply because it did not seem to me to be a nice thing to do to anybody. But the answer was that it was straightforward, that that was they were told when they were going to start and when they were going to finish: they knew it from the beginning and the reason was that it so happened that the person they were covering for was coming back then.

1145 So, as far as the 11-month contract was concerned, the rationale of the 11-month contracts which were there when we came in were to provide cover. The only thing that has changed, in terms of the recruitment in the Agency, is that the argument that was used previously, that they could not recruit local people because they had no experience, has been dealt with by providing trainees and giving people the opportunity to gain the experience and now what the Agency does is it can now recruit experienced people that they themselves have trained. That is what is happening.

1150 **Hon. D A Feetham:** Well, Mr Speaker, I don't know whether he has all the full facts in relation to this particular case because my information is that this particular individual was working within the Care Agency for two to three years. This had not been... working for two to three years within the Care Agency and, in fact, is it not the case, Mr Speaker, is it not the case that so incensed were the workers of Mount Alvernia at the fact that this particular worker was to be effectively... her contract was not going to be renewed after the 11 months and, in fact, that there was a general strike being threatened and that the Chief Minister had to personally intervene and go and visit... *(Interjection and laughter)* and intervene and go to Mount Alvernia himself?

1165 **Hon. J J Bossano:** I do not think his source of information is more accurate than mine but, certainly, if we had known that, we would have celebrated the 'general strike' with the other function which I was invited by Unite to attend to celebrate the first general strike in 1970-something. That would have been the second general strike in Gibraltar!

1175 Look, all I can tell the hon. Member is that I *personally* rang the lady who is responsible for human resources in the Department and asked for an explanation. If the hon. Member says that the information that I have given him is wrong then I can tell him that I was misled by that person and I will go back to that person and find out why, because I was told, when I questioned why are we terminating the contract of employment of somebody on Christmas Day – which does not seem to be the right thing to do: irrespective of their nationality, nobody wants to be sacked on, and nobody should want to sack anybody on, Christmas Day – the answer was 'She was told, when we gave her the contract, that she would terminate on the 25th because the person she was covering for is coming back from maternity leave on the 25th, so there's nothing... this is normal. That is the way maternity cover works, but if you give me a political directive to carry on employing somebody that I don't need, when somebody is coming back from maternity leave, then I will do it'. The answer is 'No, I just wanted to know because it had been

brought to my notice. I wanted to know why we were doing it.' That was the explanation I was given and that is the explanation I am sharing with the hon. Member.

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The fact that that person may have been used to provide maternity cover on previous occasions may be true or not true. I have not checked that. But, presumably, if they have it is because the practice over the last three years, before *we* got in, under the previous administration, was to do that, to have people in to cover maternity. If it has happened once in our time and three times in his, then he should have put it right when he was there! (*Laughter*)

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**Hon. D A Feetham:** But Mr Speaker is it not the case that the problem and the reason why the workers at Mount Alvernia were threatening a strike was because of the underlying policy from his Department of not allowing a Spanish worker to actually apply for the job because they were not resident here, because he had taken a decision, no matter how good a person is, no matter how qualified a person is, if that person is of Spanish nationality, that person should be barred from applying for the job? Is that not the case and is that not the underlying reason for the strike threat that the Chief Minister had to avert with his visit to Mount Alvernia?

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**Hon. J J Bossano:** Well, Mr Speaker, he has asked me that question before and I have told him it is not true and you know I notice how emotional he is about defending the rights of workers that are Frontier Workers. All I can tell him is that I have come across some instances in *his* time when Gibraltar workers were sacked with one month's notice, with no explanation, after working continuously for six years for *his* Government. So I wish he cared as much for Gibraltarans as he does about the people from outside.

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**Hon. D A Feetham:** Well, Mr Speaker, just returning to some of the answers that he gave me before because there were a number of points that he made ...

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**Mr Speaker:** We are on Question 65.

**Hon. D A Feetham:** On the same Question, on the same Question.

**Mr Speaker:** Right.

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**Hon. D A Feetham:** It is not true to say that the policy of the GSD Government was to effectively, discriminately use [*inaudible*] of contracts. The position under the GSD was that people who started were placed on probationary contracts to see whether that person was suitable for the job. But if that person was suitable for the job, they were then placed on permanent employment.

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Can the Hon. the Minister for Employment give an assurance to this House today that these 11-month contracts are not going to be abused by the Government and his Department, in order to ensure that he somehow keeps a control as to who is employed in Gibraltar and who is not employed, particularly, obviously, in the public service? (*Interjections*)

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**Mr Speaker:** Order.

**Hon. J J Bossano:** Mr Speaker, I do not know what the policy of the GSD was with the benefit of hindsight but I can tell him that the policy that was reflected in the practice was that there were innumerable people all over the place, residents and non-residents, who had been continuously renewed without being made permanent. Yes and, in fact, we gave a commitment that people who had been on permanent supply in a number of areas were made permanent because they had been there continuously. (*Interjections*)

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**Mr Speaker:** Order, order. I am not going to have hon. Members speaking across the floor when somebody holds the floor.

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**Hon. J J Bossano:** Thank you, Mr Speaker.

The hon. Member has put a question about the whole of the Government on the 11-months contract. The 11-months contract that were there, if they were the second time round, it was the second time round because we renewed them for 11 months, but if they had been there for a very long time, it must be because they were renewed before we were there because, mathematically and arithmetically, it cannot be any other way.

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If the hon. Member says that there is something wrong with not making somebody permanent after a certain time then I can tell him that there are examples in *his* time where, for no apparent reason, this happened to other people. The reality of it is that if anybody feels that they have been denied a legal right,

1250 then the recourse is open to them to challenge it.

The policy of the Government is to give priority of employment to Gibraltar residents – that was the policy on which we were elected. My job in the Employment Service is to make that policy more likely to be delivered, by ensuring that I provide the opportunity for people who are resident in Gibraltar to apply for these jobs. The reality is that, in the Agency for years, Gibraltarians could not apply for these jobs because the requirement was that the experience they had to have, they could not get because there was nowhere to get the experience. This is why they had people on short-term contracts. The Government that was here previously, in answer to my Question, when I was pressing for opportunities for local people, told me on innumerable occasions that the policy was to give priority to local people and that when they brought in people from outside, it was in order to fill jobs until local people were trained or ready or qualified. So I do not know why they should find a policy that they previously defended, objectionable now.

1260 We are actually trying to do a better job of what they protested they were trying to do. I hope we will be able to achieve it and that he will be able to congratulate me on it before the next election.

1265 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Minister not accept that there is a difference, there is a fundamental difference, between the view that we all share in this House – that obviously it is... we *all* want more Gibraltarians in jobs – and the difference between that and the abuse, and systematic abuse, of 11-month contracts in order to cull a particular nationality from the public service, regardless of whether that person is *good* for the job, that person is *good* for service users, *good* for the public service. What one needs to be looking at is, obviously, those kind of factors, whether somebody is good for the job. Does he not accept that there is a fundamental distinction between the policy that we all agree with and the abuse of 11-month contracts and is he, and is his Government, abusing the 11-month contract or is it not?

1275 **Hon. J J Bossano:** As I pointed out to the hon. Member, revolving 11-month contracts requires at least twenty-two months and we have not been twenty-two months so I do not know what abuse he is talking about.

If he looks at the numbers employed, he will find that the difference between a year ago and now is that there is *one* Frontier Worker less. The policy is that, from now on, he will find that the number of Gibraltarians will increase because we are training them in order to be able to increase. The policy of the previous Government was not that they *wanted* to bring these people in but that they had no choice but bring them in to *cover*.

1280 The whole philosophy of having contract workers, since time immemorial, was not so that the contract workers would then become permanent and block the jobs for future school leavers but that the contract workers should fill a gap in our skills mix and if we have got a shortage of skills you bring people in from outside until you can produce the skills. I do not think any other country does anything other than what we are trying to do, which is to protect Gibraltarians and other permanent residents here in terms of competition, which is very tough, and where the competition is not of our own making but because of the needs of others, which we understand.

1285 I can understand that the people who can get a job here will fight tooth and nail to keep it even if they have been brought in to cover a short term need. They will want to convert that job. Of course, they do because they have got their own interests and their families to look after and that is understandable. But our job *has* to be to bring down the level of unemployment and then when we find that we have really exhausted what is available then, of course, others will have an opportunity to take what work there is. The more jobs there are and the more people we employ, the better for everybody but not at the expense of having higher unemployment levels than we need to have.

1295 **Hon. D A Feetham:** I accept the underlying sentiment. What I do not accept is the way that the Government is actually going about it in this particular instance.

1300 Of course, the Hon. the Minister for Employment says ‘We have only been in office for twelve months: we are now coming to the end of the twelve months and now we are deciding whether to renew 11-month contracts.’ But that does not necessarily follow because you could have a situation where somebody has had a job on probation on these 11-month contracts and the eleven months actually expired in May, or in June, or in July – at any time during the last year – because I accepted that the policy of the Government, not in relation to Spanish nationals, but across the board...

1305 The GSD Government did not discriminate against anybody. What we had was a system of 11-month contracts, (*Interjection*) an 11-month contract to see whether somebody was good for the job. (*Interjection*) Yes, good for the job and, in certain circumstances at the end of the probationary period, (*Interjection*) in certain circumstances at the end of the eleventh month, there were some individuals – and I accept that because I know that actually happened – there were some individuals where they may have been extended for a further three months because people, because the Department concerned,

management, was undecided as to whether that person was good for the job or was not good for the job – was good for the job, was not good for the job. (*Interjections*)

1315 **Mr Speaker:** Order, order, order!

Let me recapitulate as to what is happening. We have a question here on a specific matter which the Hon. the Minister for Employment has informed the House that the information was not available. I allowed leeway on the question of this particular employee who had her employment terminated on 25th December because I thought it was linked with the question of the 11-month contract and I should be liberal in that respect. But the situation that we now have is that we are having a debate on general employment policy and I honestly think the matter has been exhausted sufficiently and that we should now move on to the next Question.

1325

**Gibraltar Savings Bank  
Independent management**

1330 **Clerk:** Question 66, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Minister with responsibility for the Gibraltar Savings Bank state what steps the Government has taken to ensure that the Bank has an experienced and independent managerial team?

1335 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this Question with Question 67.

1340

**Gibraltar Savings Bank  
Independent regulation**

1345 **Clerk:** Question 67.

**Hon. D A Feetham:** Mr Speaker, can the Minister with responsibility for the Gibraltar Savings Bank state what steps the Government has taken to ensure the Bank is subject to independent regulatory oversight.

1350

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

1355 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the Savings Bank is selling the same savings instruments under the same management that it had been selling them previously and there is no requirement for additional regulatory oversight.

**Hon. D A Feetham:** Mr Speaker, certainly on this side of the House we accept that, if the Savings Bank is just simply doing what it was previously doing and has been doing for decades, then there is no need for any other type of independent regulatory oversight, we accept that.

1360 But, Mr Speaker, is it not the case that the Government intends – and I note from his comments made to the *Gibraltar Chronicle* just before Christmas, I think on the 17th December – that the Government intends to *expand* the services of the Gibraltar Savings Bank, to include the provision of current accounts, deposit accounts, interest bearing accounts and also to provide and facilitate loans to small businesses? Does the Hon. the Minister for Employment not accept and, in this case, the Minister responsible for the Savings Bank, not accept that, in those circumstances, there *is* a need for an experienced and independent managerial team and also a need for independent regulatory oversight?

1365

1370 **Hon. J J Bossano:** Well, Mr Speaker, if the hon. Member accepts that what is happening now from a new building is what was happening now before from the old building, then the position is as I have told him in my answer.

If, in the future, something else is happening which requires something different to be done, it will be looked at when the time comes. It is as simple as that. At the moment, what is being sold are debentures, bonds and seven day notice accounts. I do not accept that if, instead of the account being seven days, the

1375 account is a notice account where you can have your money on call, that that requires anything different. So if he thinks that if the length of the notice is less than seven days the management team is incompetent, then I do not accept that.

1380 **Hon. D A Feetham:** Mr Speaker, is the Government reviewing, then, its target date for the commencement of new services – and I am including within that statement – ‘new services’ – what the hon. Gentleman actually referred to as ‘guaranteeing loans for small businesses’, for example, just before Christmas, when he said the target date was March? Is the Government reviewing that target date at all, or not?

1385 **Hon. J J Bossano:** No, Mr Speaker, I did not say what he says I said.  
The hon. Member has a habit of attributing things to me and then asking me to give explanations of the things that he makes up. The answer is that if he goes back and reads what I said, he will find that I said that the target date of March was for the expansion of the service into providing current accounts, that those current accounts would be accounts that had to be in credit *and* that the reason why it was a target, rather than a commitment, was because it depends on the software that we are in the process of purchasing, which will enable us to do that.

1390 That is to say, with the system that we have got in place now and the manpower we have got in place now, we could not service current accounts. The idea is that we are going to go down the route of having, initially, the guinea pigs, as it were, the people that we have got in our training companies so that we pay them by having an account for each of them and crediting their pay at the end of the month in that account and giving them a debit card, which will allow them to draw money from their account to take their wages out and they only have to leave £10 behind to keep the account open and therefore, I said, at the time, that it was important that people should not lose confidence in the Bank because of any glitches or failures and that, therefore, we wanted to go down the route of not rushing into things until we are sure that we are able to deliver to the customer the service that we want.

1400 It is in everybody’s interest: this is a publicly-owned entity. It does not belong to the Government, it belongs to the people and, therefore, we want to make sure that, as we increase the range of services we offer, we do it one step at a time. The first step, and the one that we hope will be happening by the end of this financial year, will be that we have the programme installed which will enable people to have a current account from which they can withdraw their money: the only requirement in that current account, as I have already said publicly, will be that, if it is a personal account, they need to keep always a minimum of £10 in the Bank. If it is a company account, or the local business community, they will need to keep £100 in the Bank. That is the stage that we are at: that has not happened yet.

1405 We hope that will happen but it depends on how quickly the systems are put in and we test them and we find that they are working as they should. We cannot have a situation where, for example, somebody has his account with the Savings Bank, maybe outside Gibraltar, where he will be able to draw money out and then finds that it does not work. So we want to make sure that we test everything as we go along and that it is working as it should.

1415 **Hon. D A Feetham:** So, then, when you were quoted in the *Chronicle*, Mr Speaker – I beg your pardon, Mr Speaker, when the Hon. the Minister was quoted in the *Chronicle* – as saying that you did not expect new services to the public – current accounts, no charge on personal and business accounts, small business loan guarantees, interest on current accounts, free cash handling – to start to come on-stream until March, effectively what the Hon. the Minister is saying is that you are not going to be dealing with any kind of loans – the Hon. Minister, I see, is looking at his i-Pad – this is the... fifth paragraph of the article, that the question of loans to small businesses, that that is something for the future and is not going to come on-stream in March, whereas the provision of current accounts that *may* come on-stream in March. I am just trying to look for timelines and, in terms of the provisional loans to small businesses, when does he expect that that is going to come on-stream, then, if not in March?

1425 **Hon. J J Bossano:** Mr Speaker, I am not going to give him any dates when anything is going to come or not come because I have already told him, several times, that all I am saying is, the target – and the first thing in that target is the move to provide current accounts... I am taking this a step at a time because I think it is the *right* way to go about it, rather than rushing into something and find that we face problems which, then, people say ‘This is not working’ and they lose confidence in the service we are trying to provide.

1430 So the answer is the first target is the current accounts. Provided the software is in place, working and people are comfortable with it by March, it will happen in March, If they are not, it will not happen by March. It is only when we have had that running for some time, and we go on to other things, that we will fix targets for the next stage. But the answer is there is not a timetable by which everything is going to happen.

1435



**Hon. D A Feetham:** Can he confirm that the Government is still committed to the Savings Bank actually providing loans to small businesses, either in the form of guaranteeing loans issued by third party banks or directly by the Gibraltar Savings Bank?

1440 **Hon. J J Bossano:** Well, no, I cannot confirm that because I have not said that, Mr Speaker.  
I have said that we are committed to expanding the service that the Bank provides and then, when the time comes when we need to provide support for businesses, when and how we do it we will decide when the time comes to do it. We are committed to providing it but we are not necessarily committed to providing it in the way that he has suggested.

1445 **Hon. D A Feetham:** Alright, so he is confirming that the Government is committed that the Gibraltar Savings Bank be used as a vehicle for the provision of loans to small businesses. Correct?

1450 **Hon. J J Bossano:** No I have not; I have told him the very opposite Mr Speaker.  
Either the hon. Member is hard of hearing or the hon. Member insists on saying the opposite of what I am saying. I have said 'No'. I have said we are committed to providing the support but not in the way that he has suggested and the way he has suggested is the text of his last supplementary. The answer is 'No'.

1455 **Hon. D A Feetham:** Well, can I read from his manifesto, then. Perhaps he can agree with his manifesto, if he does not agree with me. His manifesto provides that the objectives of the Bank would be the provision – and I quote –

'the provision of loan facilities for small businesses to help them expand and see them through periods of difficulty'.

1460 Is that the position?

**Hon. J J Bossano:** Well, the fact that that is the objective does not mean that the objective will be delivered in the way that he has spelled out.

1465 **Hon. D A Feetham:** No, I am reading from his manifesto now. How does the Government intend to deliver on the objective, stated in his manifesto, that loan facilities will be provided for small businesses to help them expand and see them through difficult periods?

1470 **Hon. J J Bossano:** Well, Mr Speaker, I have no intention of telling him how we intend to do it (*Laughter*) and I have got no obligation to do it.

I can remind him of the many occasions – of the many occasions – when he was in Government and the Government in which he served was asked to explain things in their manifesto and their reply was 'Look, you did not have it in yours, so you have no right to ask me how I am going to do it in mine'. And you know, what applies to the goose, applies to the gander! Therefore, that is the answer he is going to get, Mr Speaker.

1475 **Hon. D A Feetham:** Can he, at the very least, Mr Speaker, confirm that the Gibraltar Savings Bank is not going to be providing loans, or loan guarantees, to small businesses? At least I can phrase my question in the negative: can he confirm that is the case?

1480 **Hon. J J Bossano:** In the negative, I will not confirm it any more than in the positive because I am not prepared to tell him how we are going to do it. I am not going to tell him we are going to do it and I am not going to tell him we are not going to do it and I am not going to give him any explanation here. He will find out when it happens.

1485 **Hon. D A Feetham:** Mr Speaker, he has already said to me, I am asking the question in a positive way. I said 'Is it the Government's policy for the Gibraltar Savings Bank to provide loans to small businesses, either directly by way of loans or guarantee loans by third party banks?' He has chastised me in very strong terms by saying 'Neither. How could you ask that question when I have said that we have no intention of doing this a few moments ago!' Then I asked him to confirm in the negative: 'Well, can you confirm that you are not going to do this?' – and now he does not want to provide me...

What is it, Mr Speaker? What is the Government's policy in relation to this, particularly in the light of the GSLP's manifesto commitment at the last election?

1490 **Hon. J J Bossano:** Mr Speaker, he is not asking about the policy, he is asking how we are going to deliver the policy and I am not prepared to tell him.

**Hon. D A Feetham:** Well, he is not prepared to tell me what the policy is, full stop.

1500 **Hon. J J Bossano:** No, I am not prepared to tell him how we will deliver it. The policy is the policy that he has read out.

**Hon. D A Feetham:** Mr Speaker, deliver what? Can I ask him: deliver what?

1505 **Hon. J J Bossano:** Deliver support for the small business community that he is talking about. That will happen but it is not going to happen the way he thinks and if he says the opposite I will not confirm that it is going to happen in the opposite.

1510 The answer is that, when the time comes and it happens, he will suddenly discover, finally, that we have found a way of doing it which he cannot undermine or criticise, which is the only interest he has in this – not helping the business community – trying to stop it happening before it even gets off the ground.

**Hon. D A Feetham:** Mr Speaker, I am afraid the hon. Gentleman attributes to me too much influence. I do not believe that the business community is going to decide one way or the other simply because of whatever criticism I may come up with. The reality of the situation is that there is a lot of concern from the business community, expressed independently of any concerns that I have expressed about [inaudible] management in relation to this Bank and also independent oversight.

1515 Mr Speaker, can he confirm that, effectively, what the Government is doing, is he is now resiling and truncating the manifesto, the very clear manifesto commitment, because it is all very well for the Government to say the Government ‘is committed to using the Savings Bank in order to provide support for small businesses’, but that is not what the manifesto says. The manifesto says the provision of loan facilities for small businesses to help them expand. It is not about support, it is specifically about loan facilities. Now is the Government resiling from that manifesto commitment, of using the Gibraltar Savings Bank to provide loan facilities for small businesses?

1525 **Hon. J J Bossano:** Mr Speaker, what the manifesto says is going to happen is what is going to happen.

1530 How we do it and when we do it he will find out when it happens. If the hon. Member says that a lot of people in his circle, or in the business community, that have concerns about the level of regulatory oversight that there is, it is quite simple. They do not have to use the Bank. We will give people better service, better terms and better services. They can either take his advice and not use it, or use it. Nobody is going to be *required* to make use of the Gibraltar Savings Bank.

1535 It seems to me very clear that he has made a lot of statements that put doubts in people’s mind before today’s Question and the first thing he has had to do today is to admit that, given that what everybody knows is that what the Bank at the moment is doing is what the Bank was doing for the last fifteen years, there is absolutely no basis at all for any of his public statements about the need of a new regulatory framework, none whatsoever.

1540 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Minister for Employment, the Minister responsible for the Gibraltar Savings Bank, not accept that the last answer is fundamentally misconceived? It is wrong.

1545 How can the Hon. the Minister for the Gibraltar Savings Bank say that ‘This is a simple matter: it is a matter of whether the consumer uses the Bank or does not use the Bank.’ Does he not accept that there is an underlying liability for the Gibraltar Savings Bank and, therefore, the Government and, therefore, the taxpayer? If the Government offers loans and people default on loans, does he not accept that and, therefore, that there is significant public interest in relation to it?

1550 **Hon. J J Bossano:** Well, Mr Speaker, what I do not accept is that I have to stand up here and answer hypothetical questions about whether people will be concerned if I offer loans, which I am not offering, because he is actually creating the things that he claims will worry people in order to worry people.

1555 He has already admitted that there is no such things happening today and I have to answer in Parliament for what is happening today, not for what may, or may not, happen in a year’s time, or in six months’ time, or in a week’s time, which he thinks he can present in the way that is most beneficial to his self-serving party’s interest and not the interests of Gibraltar. What I have said to him is not that the issue is one whether people want to use the Bank, or not to determine whether that is the end of the liability or the regulatory framework or anything else. What I said to him is, if *he* is concerned about the Bank from the point of view of the security that it offers the people who put their money in it, then it is quite simple. He can not put his money in it and he can recommend to his friends or relatives not to put theirs. If he is concerned about the public exposure, look, it is no more exposed today than it has been in the last fifteen years.

1560 He can keep on putting questions about what is likely to happen, or not likely to happen in the future, and I will not speculate about what will happen in the future because I do not have to.

1565 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman obviously does not understand the difference between asking a hypothetical question –

**Mr Speaker:** You have asked the question about the manifesto, the policy, and you have had an answer to that question.

1570 What you have not had an answer to is the manner in which it is going to be carried out but, as I understand it, the Minister has given a commitment, saying that that is the policy, what is in the manifesto.

**Hon. D A Feetham:** Well, I am not sure that –

1575 **Mr Speaker:** Well, ask then. Perhaps you can ask the question again, if you want to.

**Hon. D A Feetham:** Yes, I am not sure that is what he has actually told me but, Mr Speaker, what the Hon. the Minister – and I think it is an important point – what he is not understanding is the difference between a hypothetical question and me asking a question about future Government policy.

1580 Future Government policy is not hypothetical, particularly in the light of the fact that he has actually made public statements saying that the Bank will be providing business loan guarantees and particularly in the light of the fact that the manifesto actually says that the GSLP was committed to the provision of loan facilities for small businesses and still on this side of the House we're still at a loss Mr Speaker as to whether there is a commitment at some time in the future – I am not asking him when now. I accept that I  
1585 asked him before but because I thought that it was [*inaudible*] – I am not asking him for when but *if* there is a commitment by the Government? I think it is a fair question. It is a reasonable question. It is a proper question: whether there is a commitment by the Government to have the Gibraltar Savings Bank offer loan facilities to small businesses through the Gibraltar Savings Bank – yes or no?

1590 **Mr Speaker:** Right, now, that is a question.

**Hon. J J Bossano:** Mr Speaker, the Government is committed to put in place whatever is necessary to make the commitment to provide the loans. How it will be done, or not be done, is not something that I am prepared to spell out to the hon. Member. I am not going to do it.

1595 **Mr Speaker:** So, it is clear that the answer to that specific question is yes.

1600 **Hon D A Feetham:** He has provided me with an answer to that question and I am very grateful to the Minister for the Gibraltar Savings Bank. If he had provided it 15 minutes ago, (**Hon. J J Bossano:** I did.) we would have actually (*Interjection*) but, Mr Speaker, can I, can I ask him, in the light of the fact that the Government is committed to providing loan facilities for the Gibraltar Savings Bank, does he not accept that the nature of that kind of business is fundamentally different to the business that the Savings Bank has been conducting over the last number of years and there is, in the light of that, a need for independent managerial oversight, *experienced* managerial oversight, and also independent regulatory oversight, too?

1605 **Hon. J J Bossano:** No, Mr Speaker, because I have not said we are going to do it through the Gibraltar Savings Bank. I have said we are going to do it and I am not telling him *how* we're going to do it.

That is what I have just told him, do we need to re-wind the tape?

1610 **Hon. D A Feetham:** I thought that Mr Speaker was going to come to the rescue of the hon. Member and say 'Actually, that's what I thought that he had said.' We had not on this side of the House (*Interjection by Mr Speaker*) because the Question was in relation to the Gibraltar Savings Bank not by the Government.

1615 **Mr Speaker:** Given that the Speaker has only been in this House for 20 years and the hon. Member has been for 40, I do not think he needs to be rescued by me! (*Laughter*)

1620 **Hon. D A Feetham:** Well, certainly, Mr Speaker, I apologise if I misread the expression on Mr Speaker's face when I was asking the question. I thought that Mr Speaker was about to tell me, but then he left it: 'I think he's answered it because, yes, they are providing it through the Gibraltar Savings Bank.' So, again, the Government is not going to be providing loan facilities through the Gibraltar

Savings Bank? Correct?

1625 **Hon. J J Bossano:** Mr Speaker, the Government will be providing the support to the business community.

I am repeating my words for the fourth, or possibly the fifth, time, that we are committed to the manifesto. How we do it and when we do it I am not prepared to tell the Member now or at any time until it happens. He can ask me as many times as he wants and I will not give him the answer that he is trying to get. I don't believe he's remotely interested in it, other than to try and undermine it before it happens by finding fault with it.

1630 The fact that he says if you are doing it then you'll need regulatory... shows precisely what the purpose of the question is. I am here to provide him with information about what is happening now, not with information about what is going to happen in the future and explain to him how we propose to get there, so as to give him the opportunity to start shooting it down before it even comes on stream. It's as simple as that.

1635 **Hon. D A Feetham:** Mr Speaker, it appears that we are coming perilously close to the Peter Cumming scenario: 'I am not answering your question because I don't like your politics.' That is the reality of what the Hon. the Minister for the Savings Bank has actually just said but, (*Applause*) Mr Speaker, does he not accept – and now, turning to a different aspect of this, arising from something he said some time ago – that, in the light of the fact that the Government is expanding its services in relation to current accounts and the handling of money, that the procedures in place in relation to money laundering, and I am talking about also the oversight in relation to those procedures – oversight at managerial level and also oversight at regulatory level – have to also take a step upwards from what it has been thus far?

1640 **Hon. J J Bossano:** Mr Speaker, if I can answer his preliminary remarks, let me say that I don't like his politics, whether he is asking questions or not asking them. (*Interjection and laughter*) Therefore, my answer is not influenced by my dislike for his politics. That is there permanently. Right.

1650 Secondly, can I remind him that the person sitting next to him chastised my hon. Colleague, Mr Licudi, for asking questions about the road traffic plan on the basis that it was not because he was interested in the information being helpful but he was just that he was seeking the information in order to be able to criticise and undermine him. The hon. Member is shaking his head so I will go back and fetch the *Hansard* and give it to him by the next meeting.

1655 Thirdly, I have to say to him that the officers... The Accountant General who has – as a result of his public remarks, thought it necessary to write to the Financial Secretary – writes:

1660 'All officers involved in the management of the GSB are fully aware and keep up to date with the Financial Services Commission's guidance notes on the requirements to prevent money laundering and terrorist financing activities, as well as all legislation relating to the provision of the latter.'

1665 We have our own training manual in place which encompasses the requirements of the above and is given to all staff upon appointment to the GSB. This is updated as and when there are changes in the legislation: a copy of the manual is attached. The front line staff has a checklist which they have to complete with the customers when accepting money. Additionally, we perform internet searches to verify information supplied by customers and also liaise with the GFIU for searches, using World-check. There have always been, and continue to be, a MLRO and a Deputy MLRO appointed for the Gibraltar Savings Bank, including GRPO branch.

1670 Training is organised by management and provided by the GFIU to the management and the staff twice a year. The GSB and the GACO in March 2012 and management attended various seminars given by GACO. The banking platform software that we are currently looking into for the expansion of the GSB services includes AMLtrac, which is software dedicated to identifying, tracking and regulating potentially suspicious or illegal activities in respect of money laundering and/or other proceeds of crime.'

1675 I want to take the opportunity to say that the Government has got full confidence in the Accountant General, the Financial Secretary, the staff of the GSB, that they do not need hectoring from us in order to do their job, and that I do not accept that if you put £100 million on a 7-day deposit or £100 million on a 24-hour deposit, the risk is greater or lesser with 24 hours. We know that the officers there will do the job that is required of them and they will get the support that they need and the technical backup that they need, and they will tell us if they feel there is a need for anything else.

1680 **Hon. D A Feetham:** Mr Speaker, just finally and before I ask the supplementary, I can assure the hon. Gentleman that I have a lot of affection for him, even though he obviously has a problem with me, but can we just confirm, therefore, that the Government has no plans to alter the managerial structure of the Gibraltar Savings Bank in the context of the wider service that it is providing and has absolutely no plans to effectively provide the Financial Services Commission with a regulatory role in relation to the Bank.

1685

**Hon. J J Bossano:** Mr Speaker, Government plans are to provide the Savings Bank with what the Savings Bank needs, based on the advice that it takes from the people it employs to advise him, not based on what the hon. Member opposite may think or not think.

1690 I have already gone at length on this Question in explaining the caution with which we are proceeding with developing the Bank. I would have thought that would be enough to satisfy him that we are not going to go into a mad rush to expose the Bank to any risks. And the answer is if, tomorrow, we feel there is a need to do something that, at the moment, we don't think there is any need, we will decide it when the time comes.

1695 **Mr Speaker:** I have allowed lengthy deliberation on the matter because, obviously, the Gibraltar Savings Bank is a matter of great public interest given the large number of customers that it has, but the matter, in fact, is one which I would consider is quite proper for a debate in the House, where other Members can also participate, but I am prepared to allow a certain more amount of leeway. Does the hon. Member have any other questions?

1700 **Hon. D A Feetham:** Just one supplementary, Mr Speaker.

1705 He mentioned that the Government will act on advice. Can he confirm that, therefore, he has received advice that, in the context of the expansion of services, there is no need for independent regulatory oversight nor any need to supplement the managerial team? If he has received that advice, can he just enlighten this House as to who has given him the advice?

1710 **Hon. J J Bossano:** Mr Speaker, I can tell the hon. Member that, when the previous Government was committed to expanding the role of the Savings Bank, there was a detailed document produced for them, which was made available to me, which showed that they were not deemed to be a credit institution, they did not have to be regulated, as other banks have to be, and that the nature of the Bank was such that all the necessary mechanisms were in place and the Accountant General and the Financial Secretary who, in law, are responsible, are the ones who... *(Interjection by Hon. D A Feetham)* Yes, they did not need it, independent regulatory oversight from the Financial Services Commission – that's right – or anybody else. Therefore, we have got that report. We are proceeding on the basis of all the information in that report and the Financial Secretary and the Accountant General will advise us if they feel there is something else that needs to be done and that is the point I have been making throughout.

1715 **Clerk:** With that, we come to the end of Answers to Oral Questions.

1720

## Written Answers

1725 **Clerk:** We now move to answers to Written Questions.  
The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the Answers to Written Questions numbered W1 to W17 of 2013 inclusive.

1730

### BILLS FIRST AND SECOND READINGS

1735 **Criminal Procedure and Evidence (Amendment) Bill 2013**  
**First Reading approved**

**Clerk:** Bills; First and Second Reading.

1740 A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1745 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon G H Licudi):** Mr Speaker, before moving that the Bill be read a first time, and with your leave, I will give way to the Hon. the Chief Minister, who has made a certification in respect of this particular Bill.

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker. Before the Bill is read a first time I should explain to the House why the Bill has been certified by me as urgent under section 35(3) of the Constitution.

1750 The House will recall that the Criminal Procedure and Evidence Act was recently brought into effect. It has come to the Government's notice that there is a typographical error in the legislation, in the time required to provide evidence to a defendant after he has been sent to the Supreme Court for trial. This is presently stated to be 7 days: the primary period in the equivalent legislation in England is 70 days. It seems clear to us, on this side of the House, that our Act contains a typographical error. This has already caused an issue in one case and it is likely to arise in other cases. It is neither practical nor, in many cases, possible, Mr Speaker, for the evidence to be provided within 7 days, as currently required. This, therefore, needs to be corrected as soon as possible.

1755 There is a separate provision in the relevant section of the Act for an application to be made to a Judge to exercise his discretion to extend the period of 7 days in any particular case. The question, therefore, arises as to why it is, in those circumstances, I should certify that the Bill is too urgent to permit the expiry of six weeks after publication if, in those six weeks, an application to a Judge can be made.

1760 There are two reasons for this: firstly, because applications to a Judge and, therefore, the use of court and professional time, Mr Speaker, should not be used to correct what is a typographical error in legislation, in my view. The discretion is not there for that purpose.

1765 Secondly because works to reform Parliament, as hon. Members will know, will begin after the February session, when the six week period will not yet have expired. The Government has already announced that there will be no sitting in March because of the works and, similarly, no session will take place in April, as a result of the annual Easter break. The earliest that the Bill could therefore be considered would be May. I therefore concluded that the Bill is too urgent to wait for what, in effect, would amount to a four month delay.

1770 As was the case under the previous Administration, we will want to use this power to abridge time sparingly and, wherever possible, in consultation and in agreement with the Members opposite, although the Constitution does not require such consultation. It may be necessary, Mr Speaker, of course, in the future for this or any future Administration to certify a Bill unilaterally but I trust that this can be avoided. In this instance, Mr Speaker, my colleague, the Minister for Justice, has been in touch with the Shadow Spokesperson for Justice and they have agreed the need for urgency in this instance and I have, therefore, no – and I understand there is, therefore, no – issue across the floor of the House that I have certified that the Bill should be able to progress through its phases in this House, despite not having been published for the six weeks otherwise provided.

1780 **Hon. G H Licudi:** Mr Speaker, as the Hon. the Chief Minister has indicated... Sorry, we are on the first Bill.

**Clerk:** Yes.

1785 **Hon. G H Licudi:** Mr Speaker, I beg to move that the Bill be read a first time.

**Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against?  
Carried.

1790 **Clerk:** The Criminal Procedure and Evidence (Amendment) Act 2013.

1795 **Criminal Procedure and Evidence (Amendment) Bill 2013**  
**Second Reading approved**

1800 **Hon. G H Licudi:** Mr Speaker, I have the honour to move that the Bill be now read a second time. As the Chief Minister has indicated, the purpose of this Bill is to correct a typographical error. We are, in this Bill, correcting the typographical error but, in addition to that, we are making a substantive amendment in respect of the particular time period that is covered by this provision and it is probably useful for me to explain why that extra amendment is being made and what the practical effect of correcting this typographical error means.

1805 As the hon. Member, the Chief Minister, has indicated, there is a time period in the Criminal Procedure and Evidence Act of seven days from the time that a person is sent for trial from the Magistrates Court to the Supreme Court for the provision of evidence and it is clear to us that it cannot possibly have been intended that that period should apply – that very short period – should apply. And it

1810 is particularly so for this reason: the new legislation that we have recently brought into effect has provisions for a procedure whereby, in respect of certain offences, in particular indictable only offences, that is to say offences which are required to be tried only in the Supreme Court, as well as complex financial offences and vulnerable child witness offences, that in respect of those offences, both in the case of adult defendants and juvenile defendants, when the person appears before the Magistrates Court charged with that particular offence, the Court is mandated, under the Act, to send that person forthwith to the Supreme Court for trial for that offence. So we could have a situation whereby a person who  
1815 commits an offence today, is charged and appears in Court tomorrow and, tomorrow, that person is sent for trial immediately to the Supreme Court and, as the provision currently stands, within seven days, essentially, of the offence being committed, that the Prosecution is required to have sufficient evidence available to be able to provide evidence to the Defence.

1820 On checking the relevant provision in the United Kingdom, it is clear that the intention was that it should not be seven days but it should be *seventy* days. But we have also seen that there is a different provision or different timescale in the United Kingdom in respect of persons who are remanded in custody pending trial, so that the relevant timescales in the United Kingdom are 70 days from when a person is sent for trial in the ordinary case and 50 days from the date when a person is sent for trial, where that person is remanded in custody.

1825 We have taken the view, the Government has taken the view, that there should be a shorter period which is applicable in the case of persons who are remanded in custody and that it is right that that extra urgency should be given to cases involving persons who are remanded in custody. It may well be that, even if persons are remanded in custody, 50 days in a particular case is too short a period and, for that reason, and even in the case of 70 days, for that reason, the Judge under section 1994 will retain a discretion to extend, or even to further extend after an initial application has been made, those particular periods.

1830 I commend the Bill to the House.

1835 **Mr Speaker:** Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the Question, which is that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

1840 **Clerk:** The Criminal Procedure and Evidence (Amendment) Act 2013.

1845 **Criminal Procedure and Evidence (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

**Hon. G H Licudi:** I beg to give notice that the Committee Stage and the Third Reading of the Bill be taken today, if all hon. Members agree.

1850 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and third reading of the Bill be taken now? (**Members:** Aye.)

1855 **COMMITTEE STAGE**

**Criminal Procedure and Evidence (Amendment) Bill 2013**

1860 **Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

1865 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: The Criminal Procedure and Evidence (Amendment) Bill 2013.

*In Committee of the whole Parliament*

1870

**Criminal Procedure and Evidence (Amendment) Bill 2013**  
**Clauses considered and approved**

1875 **Clerk:** A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011.  
Clause 1.

**Mr Chairman:** Clause 1 stands part of the Bill.

1880 **Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

**Clerk:** The Long Title.

1885 **Mr Chairman:** The Long Title stands part of the Bill.

**BILLS FOR THIRD READING**

1890

**Criminal Procedure and Evidence (Amendment) Bill 2013**  
**Third Reading approved; Bills passed**

1895 **Clerk:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I have the honour to report that the Criminal Procedure and Evidence (Amendment) Act 2013 has been considered in Committee and agreed to without amendments and I now move that it be read a third time and passed.

1900 **Mr Speaker:** Those in favour?

**Members:** Aye.

1905 **Mr Speaker:** I now put the Question, which is that the Criminal Procedure and Evidence (Amendment) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

1910

**Tribute to outgoing Leader of the Opposition**

**Clerk:** The Hon. the Chief Minister.

1915 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I move the adjournment *sine die*, I think it is appropriate for me to rise in this House in the context of the statement made by the Hon. the Leader of the Opposition to the effect that he will be standing down from that post at the end of January, whilst remaining an MP for now.

1920 I want to put disagreements aside for a few minutes. The Government has acknowledged publicly in a press statement and I wish to acknowledge now in this place, the contribution made by the Hon. Mr Caruana to politics in Gibraltar in the twenty-two years since he was first elected to this Parliament. Indeed, Mr Speaker, I acknowledged on the day that we won the Election that Mr Caruana, *despite* our many differences and disagreements, had left Gibraltar in many ways better than when he was first elected, as I believe all Chief Ministers have historically done.

1925 The extent of that is of course an issue which we have debated lengthily and sometimes in the cut and thrust of debates, angrily, and in the most pejorative terms in this House, as our adversarial system requires us to do. And our respective positions on those issues need not change, Mr Speaker, simply because we recognise the service to our community of a political leader. Today, Mr Speaker I recognise not just the hon. Member's service as Chief Minister but also his membership of this Parliament since May 1991. Our differences on ideological or factual issues on particular matters do not prevent me from acknowledging that substantial contribution. Indeed, Mr Speaker my own nascent steps in politics and those of the Deputy Chief Minister were also in 1991, which means that the House has been at loggerheads for that long. But despite those disagreements Mr Speaker the hon. Gentleman has led the

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GSD for twenty-two years by my reckoning and he has led our nation for sixteen and no-one can be in any doubt whatsoever about the commitment he had to the discharge of his obligations in high Office.

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I am sure that public life has no doubt been tough on his family on occasions and not just on him, so on behalf of the people that I represent and on behalf of the people of Gibraltar, may I just wish him and his family all the best and wish him every success in whatever professionally, and personally, he chooses to do in the future, so long as he steers clear of politics, or no doubt we will be at daggers drawn once again. (*Applause*).

1940

**Hon. P R Caruana:** Mr Speaker, I rise to thank the Hon. the Chief Minister for his kind –

**Mr Speaker:** May I?

1945

**Hon. P R Caruana:** Yes, of course. I beg your pardon.

**Mr Speaker:** Because I would like to associate myself in a very special way with the remarks of the Chief Minister.

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I was sitting where the Hon. Mr Peter Caruana is now sitting back in May 1991 as Leader of the Opposition and I think that, if I am still here when he leaves the House, it will have been a remarkable turn of events and it is all about what parliamentary life is all about.

I do wish most sincerely on my own behalf, and on behalf of the staff of Parliament, to associate us and myself with the remarks of the Chief Minister and wish the Leader of the Opposition every good health. My best wishes to him and to his family.

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**Hon. P R Caruana:** Then I rise moved and, in all humility, to thank the Hon. the Chief Minister and the President of the House, Mr Speaker, for the generous and kind terms in which they have referred to me today.

1960

When the House next meets, I do not know exactly where I shall be sitting but I will no longer be in a position to play a leading role in the cut and thrust of parliamentary debate and it is true, as the Hon. the Chief Minister has said, that sometimes we incur in excess, But I think it is also true and, I think from private conversation – which I hope he does not mind my making public – this is something on which possibly we both agree, that the adversarial system of politics in Gibraltar has served Gibraltar well and ensures that Gibraltar always has two alternative options for its governance. And if we have to be more careful to eliminate some of the excesses, then we should try and do *that*, rather than judge the whole system by the few occasions in which we incur in excesses. I will certainly miss that parliamentary cut and thrust.

1965

The job of running the Government of Gibraltar, which he now has, is a difficult one. The opportunity to spend some time in a parliamentary, as opposed to a Governmental activity, is one that I always used to enjoy and I shall certainly miss it. It was not an easy decision but, as I think I said on TV, for sixteen long years my wife and my children, I think generously, allowed me to place the interests of Gibraltar before theirs and I think it is now time that I do what I can – and that remains to be seen – that I do what I can to try and redress the consequences too, which have been significant, of that fact.

1970

As I said in my public statement, whether I am in politics or not, I have not spent 22 years trying to do the best that I can for the good of our beloved country to make myself now unavailable, should I ever be able to contribute from outside the political arena for whatever it may need, by way of advice, support, activity. Therefore, this Parliament will always have me available to it as, indeed, will whatever is the Government of the day, including the present one, to assist, promote and defend the interests of Gibraltar, as they or anyone else might think that I may be able to contribute to.

1975

I have enjoyed engaging in debate with everybody in this House and I look forward to the House continuing to work, as I think all Parliaments have always done, in the best interests of Gibraltar, so that we leave Gibraltar better than we find it, so that our children and their children will enjoy an even better and higher standard of living and political security than we do.

1980

I am grateful to the hon. Member and to Mr Speaker for taking this opportunity to say those words. (*Applause*).

1985

### Adjournment

1990

**Chief Minister (Hon. F R Picardo):** Mr Speaker, our blood pressure has never been so low and, before we wallow in sentimentality, I have the honour to move that this House do now adjourn *sine die*.

**Mr Speaker:** I now propose the Question, which is that this House do now adjourn *sine die*.

1995

I now put the Question which is that the House do now adjourn *sine die*.  
Those in favour? (**Members:** Aye.) Those against? Passed.  
The House will now adjourn *sine die*.

*The House adjourned at 5.27 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.40 p.m.

Gibraltar, Friday, 15th February 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

5

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

10

### PRAYER

*Mr Speaker*

15

### Procedural

**Mr Speaker:** As hon. Members are aware, we have convened this quorum in order to recess the House to 4.00 p.m. this afternoon, as we are allowing the other Members of Parliament who are not present here today to attend the funeral of Police Constable Jenzen Santos and Police Constable Josephine Guiling Savignon.

20

So the House is recessed until 4.00 p.m. this afternoon.

25

*The House recessed at 3.05 p.m. and resumed its sitting at 4.00 p.m.*

### OBSERVANCE OF ONE MINUTE'S SILENCE

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise with a heavy heart to ask the House to keep a minute's silence in honour of the two police officers who passed away off duty in Spain two days ago and have been buried today, both of whom were well known to the House, sometimes keeping security here and below.

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*Members stood in silence.*

**Hon. Chief Minister:** Mr Speaker, may I thank hon. Members and you for your co-operation in the adjournment at 3.00 p.m. to enable Members to attend the funeral.

40

## Order of the Day

### CONFIRMATION OF MINUTES

45 **Acting Clerk:** Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 14th and 15th January 2013.

**Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

50 *Mr Speaker signed the Minutes.*

### COMMUNICATIONS FROM THE CHAIR

55 **Congratulations to Hon. D A Feetham  
on election to Leader of the Opposition**

**Acting Clerk:** Communications from the Chair.

60 **Mr Speaker:** I should like to congratulate the Hon. Mr Daniel Feetham on his election as Leader of the GSD and consequently as Leader of the Opposition in this House.

I can assure him that the Clerk, the staff and I myself will always be at his disposal in order to help him in exercising his functions as Leader of the Opposition.

65 **Hon. D A Feetham:** Mr Speaker, thank you very much for those kind words indeed, and thank you as well to everybody out there in this community that have, over the last few days, the last couple of weeks, wished me well in my endeavour, both supporters of the GSD and also supporters of the Party opposite, because at the end of the day, it is an essential part of the democratic process that, as well as a strong Government, there will also be a strong Opposition.

70 Mr Speaker, thank you for the opportunity provided to me to make a short personal statement to the House, pursuant to Standing Order 49, on the occasion of our first meeting since I became Leader of the Opposition.

75 It is of course an honour and privilege for me to lead my party in Her Majesty's Opposition in this Parliament. I am conscious and indeed humbled, that I follow some very distinguished Gibraltarians, not least you, Mr Speaker, my very good friends, the Hon. Maurice Xiberras and the late the Hon. Peter Isola, the Father of the House, the Hon. Joe Bossano, the Hon. Sir Joshua Hassan and my great friend the Hon. Peter Caruana. To that list, I of course add the Hon. the Leader of the House, the Chief Minister.

80 I have this week met with my Shadow Cabinet colleagues in order to agree with them the distribution of Shadow Ministerial responsibilities amongst us. The aim has been to reshuffle some of the responsibilities, whilst at the same time provide for some continuity. I believe it is right for me to make that announcement here in this House first.

85 Mr Speaker, I will of course take primary responsibility for shadowing the Chief Minister and I will therefore be relinquishing some of my former responsibilities. I will therefore be dealing with the economy and public finance including taxation and Customs; enterprise and business; constitutional and external affairs; elections; broadcasting and information; public service and administration, including the Gibraltar Development Corporation, e-government, parliamentary, political and democratic reform.

90 Given the delicate situation the gaming sector finds itself in, with the UK decision to tax bets at source, I will retain responsibility for the time being for gaming. It is my intention to work closely with my hon. and learned friend, Mr Figueras and eventually to transfer this responsibility to him.

95 Mr Speaker, the Gibraltar Savings Bank and the way it operates in future is critical to the public debt debate and the position taken by the GSLP Liberals at the last election in that debate, and also any reputational or liability exposure of the Government and the Taxpayer and this community. I have therefore retained responsibility for the Gibraltar Savings Bank, but I will be assisted and work very closely with my hon. and learned friend, Mr Bossino.

I have asked the Hon. Jaime Netto to take on responsibility for the environment, utilities including electricity, water, postal services, refuse collection disposal and telecommunications and he will continue with his shadow responsibilities in respect of Health and Safety.

100 Mr Netto was extremely passionate for the environment when he was Minister with  
responsibility for the environment in the 2003-07 GSD Government. That was reflected, Mr  
Speaker, in the 2007 election result, where he placed third. I have asked him to be positive in his  
approach to this Shadow Portfolio. It will be his task not only to scrutinise and ask searching  
105 questions of the Government on its policies, such as the current Ape Management Policy, but to  
also project a strong sense of our own suggested policies, which he will no doubt put to the Hon.  
Minister Cortes in this House, during the course of the next three years. It is for the Government to  
then decide whether to adopt or decline any suggestions put to them.

Mr Speaker, given that the Hon. Mr Netto has taken on these important responsibilities, I have  
asked the Hon. Isobel Ellul-Hammond to take over responsibility for the care services; the elderly;  
110 family and children; and equality and civil rights. She will continue to have responsibility for civil  
contingencies including fire and emergency services and also health. On this side of the House, we  
certainly feel there are common synergies between health and care services.

The Hon. Damon Bossino will continue with tourism; airport and aviation; port and shipping.  
In addition, he will be shadowing the Hon. Minister Bossano in all of his portfolio, except for the  
115 Gibraltar Savings Bank. That includes inward investment; employment and training; social  
security and social assistance. The Government's record on employment will feature highly, in my  
view, at the next General Election, and this is a significant responsibility which I could not have  
hoped to bestow on a more able individual.

The Hon. Selwyn Figueras will have responsibility for transport, planning and the city,  
120 including roads, parking, traffic, licensing of vehicles and public transport. He also takes over my  
responsibilities for justice and home affairs, including the Police, prison, tribunals, legal aid and  
assistance, consumer protection, personal status and immigration. He also takes over financial  
services and e-commerce, where he will be working very closely with me, in order to develop our  
policies over the next three years.

125 Finally, the Hon. Edwin Reyes takes over Education from the Hon. Isobel Ellul-Hammond,  
and will continue with housing, culture, heritage, youth, sports and leisure.

Mr Speaker, much has been made in recent times about style of politics and exchanges across  
the floor of this House. Whilst at times those exchanges may be on the wrong side of a very fine  
balancing exercise we perform every time we meet in an essentially adversarial system, we do so  
130 less often, in my view, than in other places outside this House.

The Government will find us a tough and searching Opposition over the next three years, but  
we will also be constructive on any issue of vital importance to this community. It will be our  
intention during the course of the next three years to make more use of parliamentary motions, as a  
device to debate areas of Government policy, but also as a device to project our views on how  
135 issues of vital importance to this community should be tackled.

I have already given notice to this House of a motion I intend to move at the next sitting, notice  
permitting, in respect of our suggested approach to the new challenge facing Gibraltar, in relation  
to statements made by the Prime Minister of the United Kingdom that he intends to renegotiate the  
UK's membership with the European Union. It is a neutral motion, suggesting the creation of a  
140 cross-party committee to look at the possible scenarios and implications for Gibraltar and how we  
react to them: essentially, a pro-active cross-party approach in relation to all those scenarios.

Finally, Mr Speaker, I would like to thank, yet again, Mr Caruana for the many years he has  
served this community in front-line politics, as Chief Minister and as Leader of the Opposition.  
We all owe him, in my view, a huge debt of gratitude.

145 Thank you very much, Mr Speaker. (*Applause*)

**Chief Minister (Hon. F R Picardo):** Mr Speaker, may I take this opportunity to recognise the  
hon. Gentleman's role as Leader of the Opposition is an important one. I became Leader of the  
Opposition some months before I became Chief Minister with, I believe, the distinction of having  
150 been the person who has served in that post for the shortest period.

May I just say as a matter of record, I believe that the hon. Member has become Leader of the  
Opposition today in this House and not before, because it is this House that gives him the post of  
Leader of the Opposition, in the recognition of his parliamentary colleagues that he leads their  
parliamentary group. That he has become Leader of his Party is something that happens outside  
155 the Parliament, but I think as a matter of parliamentary procedure, it is at the first meeting of the  
House that the hon. Member has become, in effect, Leader of the Opposition.

Mr Speaker, I am pleased that the hon. Gentleman has taken the opportunity to make a  
statement in this House in respect of the Shadow Portfolios that Members of his benches will  
fulfil. I think it is an opportunity that is bestowed upon him by the fact that this Government now  
160 calls monthly meetings of the House and it is therefore possible, on occasions but not always, to  
make important statements in this House, rather than outside it.

165 Mr Speaker, the hon. Gentleman will find that the Office of Speaker and of the Clerk and Ushers will be an extremely useful resource to him as they are, as they were to me when I was Leader of the Opposition and as they were to all of us on this side of the House who were Members of the Opposition, because they are always generous to a fault in the way that they assist Members. I am sure that they will extend to him that level of generosity which they extended to us and no doubt have been extending to Members opposite since their election.

170 But importantly, Mr Speaker, I want him to know that he will also find the Government generous in the way in which it desires to work with parliamentary colleagues across the floor of the House in the best interests of Gibraltar. That is the way that it should be.

175 There may be times, Mr Speaker, when we have to disagree and it is appropriate in an adversarial parliamentary system such as ours that we do, but that adversarial system should not lead us into conflict where it need not and it should certainly not lead us into conflict for the purposes of partisan political gain. For that reason, Mr Speaker, although we will be generous in seeking to work together constructively, we will also be unforgiving when that generosity is abused for party political gain.

180 So, Mr Speaker, I sincerely hope that the hon. Gentleman will accept the opportunity to work together with the Government when it is possible that we should do so. I regret, Mr Speaker, that the statement made today by the hon. Gentleman under the auspices of recognition from the Chair, should have in part alluded to some of the partisan issues which appear to divide us in respect of the Savings Bank, for example, an issue which I think it is important for the community to feel absolute confidence is being handled in the absolutely most appropriate way by the Ministry for Finance and for the Minister with responsibility for the development of the Savings Bank. There should be not one nuance allowed to suggest the opposite.

185 I note, Mr Speaker, also that the hon. Gentleman has only referred to Mr Netto as having been requested by him to act positively in the exercise of his Shadow Ministerial responsibilities and I will assume that was just his pen driven to remark upon that in respect of Mr Netto, and that he actually meant, as I am sure he did, that all Members should engage positively in their Opposition role with their Government colleagues.

190 So, Mr Speaker, I shall certainly look forward to the debate in the next three years in this House. In the course of his intervention, the hon. Gentleman has said that he has asked individuals to shadow other particular individuals. He is not able to make such determinations. He decides which portfolios they shadow; it is for me as Chief Minister to decide who it is that carries those portfolios on the part of the Government. So it may be, Mr Speaker, that Mr Netto is not shadowing Mr Cortes for three years or that Mr Bossino is not shadowing Mr Bossano for three years. Whatever it is, Mr Speaker, let those shadows be positive shadows, designed to deliver always the best politics for our nation and in that light, Mr Speaker, I welcome the opportunity that we should have more debates in this House by way of motion, as you have been entreating Members opposite to do and that we might move away from a Question Time that is designed to become a debate and is actually an opportunity for information to be given and, with that information, that we might have properly informed debates.

200 As for the motion that the hon. Gentleman has alluded to, which he has put on the Order Paper, I shall deal with that motion at the appropriate time and not now, but I do give notice to the hon. Gentleman, if he has not had it yet, that there is also another motion from the Government in respect of the procedures of this House, on which I trust I will be able to count with his support and the support of those sitting with him in his parliamentary party. *(Applause)*

210 **Acting Clerk:** Petitions; Announcements; Papers to be laid.

## DOCUMENTS LAID

215 **Acting Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table a Report to Parliament on Democratic and Parliamentary Reform.

220 **Mr Speaker:** Ordered to lie.

**Acting Clerk:** The Hon. the Minister for Sports, Culture, Heritage and Youth.

225 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the Table the Report and Audited Accounts of the Gibraltar Electricity Authority for the year ending 31st March 2012.

**Mr Speaker:** Ordered to lie.

230 **Acting Clerk:** Reports of Committees. Answers to Oral Questions.

## Questions for Oral Answer

235

### TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

240 **Tourist sites' refurbishment works**  
**Cost**

**Acting Clerk:** Question No. 84/2013, the Hon. D J Bossino.

245 **Hon. D J Bossino:** Can the Minister for Tourism advise what the cost of the recent refurbishment works being carried out at various tourist sites amounts to, broken down in respect of each site?

250 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I hand to the hon. Gentleman a schedule with the information he requests.

SCHEDULE TO QUESTION NUMBER 84/2013

LOCATION	COST	LESS EU FUNDING	TOTAL COST
JEWS GATE	96,543	28,963	67,580
ST. MICHAEL'S CAVE	571,950	141,183	430,767
APES DEN	42,053	12,616	29,437
GREAT SIEGE TUNNELS	206,375	44,420	161,955
MOORISH CASTLE	34,798	-	34,798
100 TON GUN	27,324	-	27,324
LORD AIREYS BATTERY	3,673	-	3,673
UR SIGNS	3,959	-	3,959
TOTAL	986,675	227,183	759,492

255

**Hon. D J Bossino:** Mr Speaker, from a brief reading of the schedule, the total cost – in effect the net cost – amounts to £759,000-odd. That is actually very close to the £1 million which I think had been budgeted for this particular purpose. Is the Minister able to advise this House what further works he had planned to fill in that gap of about £200,000-odd?

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**Hon. N F Costa:** Mr Speaker, if the hon. Gentleman recalls, when I answered the question the first time in this House, I set out what the works were and how much they would cost and they added up to £1 million. The reason for the decrease in the cost is thanks to the measure taken of applying for EU funding, which will therefore mean that we will be able to do all the projects we have promised to do at less price and therefore have a saving to the Taxpayer.

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He will see in fact from the second column, which is called 'Less EU Funding', that we are saving £227,183.

270 **Hon. D J Bossino:** Mr Speaker, the Minister may require notice of this question. There is an item in the schedule which refers to the cost expenditure in relation to the Moorish Castle which

amounts to £34,798. Now, in the information which is set out in the Government website, there is a table which I must say caused me some confusion. I was reviewing it in preparation for this meeting because it has been the subject of some change, but certainly one version that I have –  
275 and I think it survived the second version, which I also saw recently – where it talks about direct allocations over £2,000 since the General Election, there is an Item 74 which is described as remedial and refurbishment works carried out at Tower of Homage at Moorish Castle. The recipient, if I follow this correctly, is in fact not a company – but I stand to be corrected; it is a Mr Louis Edwards and the amount is for £8,820. My first question is whether that figure forms part of the greater figure set out in this schedule?  
280

**Hon. N F Costa:** Mr Speaker, I am afraid I will not be able to assist the hon. Gentleman. I will require notice of the question. I do not have the information to hand.

**Hon. D J Bossino:** Mr Speaker, I have asked a specific question as to whether it is included as part of the £34,000; but does he know, and again he may require notice of the question, what Mr Louis Edwards did? I just find it strange that an individual should have been the recipient of money, as opposed to a company.  
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**Hon. N F Costa:** Well, Mr Speaker, without getting into the intricacies of the legal system, of course you can trade as a sole trader without having to establish yourself as a legal entity like a company or something else.  
290

But in respect of the substance of the question, as I said, I will need notice of it, to be able to answer the query, because I do not have that information with me.

**Hon. D J Bossino:** Irrespective of the legal position, presumably the Minister does not know now what Mr Edwards is said to have done for the £8,000-odd. Is that correct? Does he also need notice of that.  
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**Hon. N F Costa:** Yes, that is correct, Mr Speaker.  
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**Mr Speaker:** Any other supplementary?  
Next question.

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## DEPUTY CHIEF MINISTER

### Government housing stock Summary of building projects

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**Acting Clerk:** Question 193, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, good afternoon.  
Can the Deputy Chief Minister provide, in the planning context, a summary of the position in  
315 relation to the building of Government housing and low-cost residential accommodation including, but not limited to the Aerial Farm project, the Europa Point project and the Coach Park project, including confirmation of whether it will be going ahead with each of these projects and, if so, whether they will be used for Government housing stock or for low-cost ownership?

**Acting Clerk:** Answer, the Hon. the Deputy Chief Minister.  
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**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government has presented five residential projects to the DPC to date.

The projects at Europort Avenue, the Aerial Farm and the Coach Park have gone out to tender.  
325 The projects at North Gauge and Europa Point have not gone out to tender as yet. The Government has to date taken the decision to proceed with all the projects except the one at Europa Point, which remains pending.

The expectation is that these projects will provide about 950 flats, of which about 140 will be for rental. The final number depends on the exact room specifications which will be known once a  
330 tender has been awarded.



**Hon. S M Figueras:** I am grateful for the answer, Mr Speaker, perhaps... I did not quite catch the three projects that have gone out to tender, which are Europort Avenue, Coach Park and...?

335 **Hon. Deputy Chief Minister:** The other one is the Aerial Farm.

**Hon. D A Feetham:** Mr Speaker, can he also, because I did not hear... the number of rentals in that. He said 950 – (*Interjections*)

340 **Hon. D J Bossino:** One hundred and ninety and then 140.

**Hon. D A Feetham:** There seems to be some confusion on our side.

345 **Hon. Deputy Chief Minister:** Nine hundred and fifty flats, of which 140 are for rental.

**Hon. S M Figueras:** Indeed, but would the Deputy Chief Minister be able to provide or rather confirm, of those 140 rental properties, which developments will include those?

350 **Hon. Deputy Chief Minister:** Yes, Mr Speaker, those are divided between the Aerial Farm project and the Europort Avenue project... Sorry, Mr Speaker, the *Coach Park* project and the Europort Avenue project.

355 **Hon. S M Figueras:** Mr Speaker, in respect of the Coach Park, we have had representations from concerned residents in the area with certain concerns about the impact this project may have on the area. I am also mindful of the fact that it is at the Development and Planning Commission for consultation.

Unfortunately, the minutes of the DPC are suffering somewhat of a delay between the conclusion of the meeting and the publication on the website, and this is causing a certain element of difficulty, in terms of preparing the Questions for these sessions on a monthly basis.

360 I was wondering whether perhaps the Deputy Chief Minister would be able, or inclined even, to share the minutes with me any earlier than publication on the website, if that is at all possible? And particularly in respect of the Coach Park, is the Deputy Chief Minister able to confirm whether the Government has had any objections filed on it or through the Development and Planning Commission?

365

**Hon. Deputy Chief Minister:** Mr Speaker, the Hon. Member should bear in mind that the meetings of the DPC are now public, so obviously it is for you to attend and to listen to what goes on. Also, the minutes are now published; before, they were not published at all.

370 But the reason for the delay is simply that the minutes of one meeting are approved in the next meeting, so it is not really a delay; it is simply just waiting for the meeting to take place in order for the minutes to be approved. After that, they go on-line.

In relation to his question, I can tell him there were some views expressed which were mainly of an environmental nature; also some of a traffic management nature and those issues were discussed by the Commission and put forward [*inaudible*] to the Government.

375

But he should also bear in mind, Mr Speaker, that in their own manifesto they also had a promise to use the Coach Park for housing. So they had it as well.

**A Member:** Two references.

380 **Hon. S M Figueras:** Grateful. (*Laughter and interjections*)

**Hon. E J Reyes:** Mr Speaker, may I ask the Deputy Chief Minister for a little bit of clarification. On the figure of 140 homes for rental, have I understood correctly in saying that those were to be in respect of the Coach Park and the Aerial Farm projects?

385

**Hon. Deputy Chief Minister:** In respect of the Coach Park and the Europort Avenue project.

**Hon. E J Reyes:** Coach Park and the Europort Avenue; not the Aerial Farm then.

390

**Hon. Deputy Chief Minister:** No.

**Hon. J J Netto:** Can I ask the Deputy Chief Minister in relation to the 140-plus for rental, whether at this stage they know what is the breakdown for those flats in relation to how many rooms those flats have?

395

**Hon. Deputy Chief Minister:** Mr Speaker, I am told the final composition of the flats will depend on the tender because tenderers, apart from what the Government has suggested, are free to make suggestions of their own to improve the... increase the number of rooms or whatever

400

So once we have the final tender awarded, we will know what the exact composition is going to be.

**Hon. J J Netto:** To some extent, will the tender be determined by the kind of pressures that the Department of Housing may have in relation to some of the list which has more demand than others? Would that be factored into the decision-making process?

405

**Hon. Deputy Chief Minister:** Mr Speaker, the hon. Member is right in what he has said. It will be factored into the process. That is right. The actual number of people on the waiting list and the room composition requirements are what is driving the composition of the flats.

410

**Hon. J J Netto:** Is it therefore that they are targeting, in the main, single persons on the one hand, which seems to be a big demand for that, and also perhaps the very large families – which are a minority nowadays, but nevertheless because there are large families with lots of children, we find themselves with not sufficient stock in the Government houses, which needs to be cared for as well?

415

**Hon. Deputy Chief Minister:** Mr Speaker, these are primarily housing issues of a housing nature, if he sees what I mean – a housing rental nature – which I do not deal with directly.

My understanding is that the requirements that were there on the housing waiting list on 8th/9th December, when we got into Government, are the ones that are driving the housing projects that we are building.

420

So if there was a considerable demand for one or two, one-bedroom flats, then that will be reflected in the composition of the flats.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I can be of assistance.

425

Those one-bedroom flats, as the hon. Gentleman knows, are 2RKBs. There are a lot of young people who are on the list for 2RKBs who have been on the list for very long, so demographically I think it is likely that those people who are seeking 2RKBs, many of them will actually soon become couples and we actually see that a lot of the people who are both down as individuals are now still single but couples and are looking, potentially, to buy a 3RKB, which is two bedrooms. There is that opportunity that people may want to buy something, if they are now on the cusp of marriage or civil partnership or whatever it is – if that is possible after the House considers the Bill in the future – and they want to buy something, then they may want to buy something slightly bigger than what they have been on the housing waiting list for, and that is being factored into the equation.

435

**Hon. D A Feetham:** Mr Speaker, the Government proposes to have 140 rental flats from a number of 950. Can the Government at this stage, either the Chief Minister or the Deputy Chief Minister, provide us with some information in relation to how many rental flats does the Government actually envisage at the end of the day, the three-year period that it is actually going to be building, in order to cater for people who do not want to buy, but people who want to rent from the Government?

440

**Hon. Chief Minister:** Not at this stage, Mr Speaker, but I can tell him that most people are very interested in buying.

445

**Mr Speaker:** Any other question?

Next question.

450

455

**TOURISM, COMMERCIAL AFFAIRS,  
PUBLIC TRANSPORT AND THE PORT**

**UKGTA**

**Number of meetings and attendees**

460

**Acting Clerk:** Question No. 85, the Hon. D J Bossino.

465

**Hon. D J Bossino:** Can the Minister for Tourism state how many meetings of the UKGTA have been held since he took office, together with the dates and locations of such meetings; who the attendees were, to include details of who ordinarily attend such meetings but failed to do so?

**Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

470

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, there have been three meetings of the UKGTA since I took office.

The first meeting was held on 24th April last year in Gibraltar at the Mons Calpe Suite. The second meeting was held on 26th June last year at Gibraltar House in London. The third meeting was held on 9th October last year in Gibraltar at the Finance Centre Boardroom.

475

I now hand over to the hon. Gentleman a schedule with the detail of those who were invited to attend the meeting and those who sent apologies.

The meetings are ordinarily attended by members of the UKGTA, members of the Gibraltar Tourist Board, members of the team from Gibraltar House in London and myself. The next meeting of the UKGTA is scheduled for 20th February of this year at the Millennium Copthorne Hotel in Birmingham, UK to coincide with a tourism road show being held by the Gibraltar Tourist Board. The event is aimed at promoting the start of flights secured by Her Majesty's Government of Gibraltar from Birmingham to Gibraltar operated by Monarch Airlines.

480

The event will allow industry partners to showcase their products and services to travel agents from the Birmingham area and will serve as a marketing event for the Rock, highlighting this to be the perfect short-break destination.

**SCHEDULE TO QUESTION NUMBER 85/2013**

**UKGTA Meeting - Tuesday 24<sup>th</sup> April 2012**

<b>Attending:</b>	<b>Apologies:</b>
Minister Neil Costa MP MTTP	Albert Poggio OBE – UK Representative
Nicky Guerrero – GTB	Vanda Bauer – Classic Collection Holidays
Paul Martinez, Principal Secretary MTTP	Daniel Lerner - GTB
Peter Canessa - GOG	
Audrey Vella – GTB	
Juliet Perrett – Monarch Airlines (Chair)	
Catherine Read - easyJet	
Raj Kumar – My Gibraltar	
Chris Hagan - Superbreak	
Sixto Parody - Parodytur	
Bob Pugh - Southern Garages Management/Parodytur	
Tim Mitchell – Gibraltar Gala Casino	
Franco Ostuni – The Caleta Hotel	
Mary Kinch – O'Callaghan Elliott Hotel	
Stephen Davenport – The Rock Hotel	
Ronald Ignacio- Gibraltar Taxi Association	
Henry Catania – Calypso Tours	
Mandy Gaggero – MH Bland	
Henry Catania – MH Bland	
Nuria Saccone Wright – Bland Group	
Ian Leyde - GTB	
Tracey Poggio – GTB	

**UKGTA Meeting - Tuesday 26<sup>th</sup> June**

<b>Attending:</b>	<b>Apologies:</b>
Minister Neil Costa MP	Ali Gayward - easyJet
Nicky Guerrero – GTB	Chris Hagan - Superbreak
Peter Canessa - GOG	Tim Mitchell – Gibraltar Casino
Albert Poggio OBE GOG	Vanda Bauer – Classic Collection
Audrey Vella GTB	Bob Kumar – My Vacations
Paul Martinez GOG	
Lt.Col John Perez Bland Group	
Nuria Saccone Bland Group	
Sixto Parody - Parodytur	
Ronald Ignacio- Gibraltar Taxi Association	
Mandy Gaggero –MH Bland	
Franco Ostuni – The Caleta Hotel	
Mary Kinch The O'Callaghan Elliott Hotel	
Ian Leyde - GTB	
Tracey Poggio – GTB	

**UKGTA Meeting - Tuesday 9<sup>th</sup> October 2012**

<b>Attending:</b>	<b>Apologies:</b>
Minister Neil Costa MP	Vanda Bauer Classic Collection
Nicky Guerrero - GTB	Albert Poggio OBE GOG
Peter Canessa - GOG	Keith Chuter BA
Marcello Sanguinetti - GTB	
Audrey Vella - GTB	
Stuart Finlayson - GTB	
Chris Hagan - Superbreak	
Bob Kumar - My Gibraltar	
Liz Mason - Thomas Cook/Cresta	
Ali Gayward - easyJet	
James Massey - Monarch Airlines	
Nuria Saccone - Bland Group	
Sixto Parody - Parodytur	
Bob Pugh - Parodytur	
Albert Parody - Parodytur	
Ronald Ignacio - Gibraltar Taxi Association	
Mandy Gaggero - MH Bland	
Henry Catania - Calypso Tours	
Mary Kinch - O'Callaghan Elliott Hotel	
Franco Ostuni - Caleta Hotel	
Stephen Davenport - Rock Hotel	
Tim Mitchell - Gala Casino	
Ian Leyde - GTB	
Tracey Poggio - GTB	

**Airport  
Commitment to new terminal**

485

**Mr Speaker:** Next question.

**Acting Clerk:** Question No. 86, the Hon. D J Bossino.

490 **Hon. D J Bossino:** Can the Minister for Tourism confirm that he is fully committed to the promotion of the new airport terminal?

**Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

495 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Her Majesty's Government of Gibraltar has already stated publicly and on various occasions that the new terminal has to be used fully in order to try and recover the exorbitant amount of public money that was spent on the new Air Terminal. In order for the hon. Gentleman to fully appreciate the efforts required to try to recover even some of these costs, I need to provide some important and necessary context.

500 The project has been completed over a number of years and the total cost has been £82.97 million.

505 The expenditure charged to the I&D Fund over the years is made up as follows: 2008-09, £2,710,845.08; 2009-10, £14,833,979.28; 2010-11, £23,138,104.17; 2011-12, £37,960,050.45 – noticeably an election year; 2012-13, £4,333,569.07. That brings the total, Mr Speaker, to, as I say, £82,976,548.05.

510 Mr Speaker, it has to be borne in mind that these costs include an inadequately long baggage carousel and no weather-proof equipment to cover passengers when traversing from the terminal to the airplane. You would have thought, Mr Speaker, that at almost £83 million we would have had a plethora of suitable weatherproof equipment and adequately sized carousels.

515 With this in mind, Mr Speaker, not only am I fully committed to promoting the terminal by being actively involved in seeking new air links for the good of Gibraltar as a whole, but also to generate as much revenue as possible. This includes resourcing the Government agencies that operate there, maximising the business potential of the concessions within the terminal and ensuring that high standards of service are maintained.

520 **Hon. D J Bossino:** Mr Speaker, it was really the last bits of his answer that I wanted to hear, given that... Well no, it is actually not even being political about it; (*Interjections*) no, Mr Speaker it is obvious I wanted to hear just the last bit of his answer because that was my question. I just wanted to know whether he is fully committed to the promotion of the new airport terminal.

525 Mr Speaker, the reason why I asked that question is because I have here in my hands the Gibraltar Port Authority Handbook, which quite frankly gives... it is a very poor show, if it is a Government truly committed behind the marketing of the airport. The only thing it is able to say is that Gibraltar has flight connections to several cities in the UK and almost 400,000 people enjoy flying to and from the Rock every year.

I also have in my possession... (*Laughter*) Look, the Members opposite can snigger and they may find this uncomfortable hearing, but the fact is – (*Interjections*) No, Mr Speaker –

530 **Mr Speaker:** Order! Order!

**Hon. D J Bossino:** Mr Speaker, they really ought to calm down! (*Interjections*)

**Mr Speaker:** Order!

535 **Hon. D J Bossino:** Mr Speaker, I also have... So much for a change in the attitude in this House! (*Interjection*) He is the one that started, Mr Speaker!

**Mr Speaker:** Order!

540 **Hon. D J Bossino:** I asked for a specific answer and he has gone into a tirade *à la* election mode, *à la* Opposition mode, because he just cannot help himself, Mr Speaker. (*Interjections*)

545 Mr Speaker, there is a draft which has come to my attention, right, and I will ask him whether he has had any participation, any involvement in changing that draft because the draft of this handbook, the Port Authority Handbook, which deals at page 51 with the airport, the original draft stated things like, reasonable things like:

'Gibraltar's new air terminal, a striking architectural design against the iconic backdrop of the Rock is now open for business...'

550

I am not going to read the whole thing, but it also says things like:

555 'the impressive steel and glass building boasts a modern spacious interior equipped with top end facilities for passengers'

and things like:

560 'The air terminal also includes a dedicated wing built to premium specification for handling private and corporate jets with seamless service, privacy and security.'

And yet, Mr Speaker, all that this Government was able to bring themselves to say about this airport is that Gibraltar has flight connections to several cities in the UK and almost 400,000 people enjoying flying to and from the Rock every year. What hand has the Minister had to play in the drafting of this book, Mr Speaker?

565

**Hon. N F Costa:** Mr Speaker, in the first place, he does realise that he prefaced his question to say that it was a 'Port Handbook'. I shall leave that there.

570 Mr Speaker, I have, during the course of interviews, I have in fact just recently approved an article that will appear in a specialised air terminal magazine, which I did not know existed, but there are enthusiasts of air terminals and we are promoting the air terminal through business-to-business magazines and we spent an entire article describing the magnificence, the architectural beauty, the intricate designs of the air terminal otherwise known as the crystal palace, white elephant and pharaonic project.

575 But given that he takes grave issue about the fact that I had to provide the necessary costs, Mr Speaker, because if he asks me whether I am committed to promoting the air terminal, given that it has cost £83 million, Mr Speaker, the answer in short is yes. I am very committed to promoting the air terminal because, good grief, we ought to, we must, because it's Taxpayers' money! And given that he took such exception to what I said, let me repeat what I have said already: €6 million, almost, as a result of the personal contributions of the previous Leader of the Opposition was added to the £82-million bill. Peter Caruana had, in his own hand, decided to interfere in changes that added to almost €6 million. That is political and that certainly will have been *à la* Opposition mode.

580

585 But it is not Mr Speaker because we are the Government, we are responsible for the public purse, the public is certainly entitled to know that they decided to, in their infinite wisdom, £33 million during the course of an election year, spend as much money as they did.

585

590 Short tirade aside, Mr Speaker, let me tell him that, through the good offices of the Chief Executive Officer, Mr Nicky Guerrero of the Gibraltar Tourist Board, myself, as I have said now on various occasions during GBC interviews and at UKGTA meetings – and I appreciate that I do not have the article that I approved recently, but I wish that I had – I spent an entire page describing the beauty of the air terminal.

590

595 And Mr Speaker, as to the hon. Gentleman suggesting that I have had some underhand motive or reason to changing the Port Handbook and whether I had a hand in it, well of course I had a hand in it, Mr Speaker. I am the Minister for the Port, the draft was sent to me, I made a whole raft of changes and there is nothing untoward about that. If he were Minister for the Port, which he is not, he may have decided to add a few more lines, rather than deleting them.

595

600 **Chief Minister (Hon. F R Picardo):** Mr Speaker, may I assist the House. The hon. Gentleman might also like to quote from the report prepared by the report company, which was sponsored, as he knows, by the Government of Gibraltar, which sets out in detail the changes in the airport terminal from the old terminal to the new terminal and sets out in quite splendid fashion exactly what it is that the new airport terminal is capable of and how much it costs, thereby demonstrating the Government promoting the air terminal as he suggests.

600

605 I am surprised that he has picked on a Port Handbook to talk about 'air ports' and how the Government promote the new terminal; but I just wish him to know that in another publication which involved the Government there was a completely different approach to the 'air port'.

605

610 **Hon. D J Bossino:** Mr Speaker, I will not be asking a question, but I would like to have the opportunity to clarify this issue about picking from a page from the Port Handbook, because the fact is, Mr Speaker, that although it is a Port Handbook and it really was a predictable defence the the Hon. the Minister for the Port and now I am surprised that the Chief Minister himself alights on the same defence to... which quite frankly, Mr Speaker, is weak on the basis that this same Port Handbook also extolls (*Interjections*) no, also extolls the virtues of Gibraltar's resilient economy.

610

615 A Port Handbook, nothing to do with the Port but it also extolls the resilience of Gibraltar's  
resilient economy. In fact, it is entitled 'Gibraltar's Resilient Economy' and it says things like...  
two pages that are dedicated to Gibraltar's resilient economy and saying things like the British  
Territory's Gross Domestic Products in the year to March 2011 reached £1.05 billion; officials  
620 estimate 5.1% growth, not 10% in the year to March 2012, and it goes on to talk about 'the Rock,  
a spectacular tourist destination'. Two pages again: it talks about heritage, nature, a variety of  
tourist attractions, and all those things that Mr Costa, the Hon. the Minister for the Port has said he  
needs to fix because it was in such dire straits. And yet, Mr Speaker, simply repeating the point  
that in relation to the airport, this magnificent airport which the GSD Government left to the  
population of Gibraltar is only dedicated three short lines.

625 **Hon. N F Costa:** Mr Speaker, in the first place, is there a question from the hon. Gentleman?

**Mr Speaker:** I think that hon. Members are now in danger of debating what I will not call 'an  
old chestnut', because it is a new air terminal!  
So next question.

630 **Acting Clerk:** Question No. 87, the Hon. D J Bossino.

635 **Procedural  
Statement by the Chief Minister**

**Hon. Chief Minister:** Can I just make this point, before you move on?

I am quite concerned at the idea that hon. Members can stand up and say, 'I am not going to  
ask a question, but...' at Question Time. I just want to record that, although I know the hon.  
640 Gentleman wanted, because obviously he feels 'thin on the ground' on this issue of the amount  
spent on the air terminal, that he wanted to lay out a defence because having been entirely and  
properly rebuffed by the Hon. the Minister for Tourism and by my reference to the report  
company, he wanted to set up some defence but as it is Question Time, I think it is really quite  
645 astonishing that Members can get up and say, 'I am not going to ask a question but...'

650 **Open-air swimming pool, East Side  
Construction project**

**Mr Speaker:** Let us go on to Question 87.

655 **Hon. D J Bossino:** Can the Minister for Tourism advise what stage the project to construct an  
open-air swimming pool on the East Side has reached?

**Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public  
Transport and the Port.

660 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F  
Costa):** Mr Speaker, the commitment to construct an open-air swimming pool on the East Side is  
at the design stage.

665 **Hon. D J Bossino:** Can I ask this question and depending on how it is answered, it may not  
meet further supplementaries. There are a series of some seven items listed in the same section of  
the website I referred to earlier, Gibraltar Government website, which is Table GC1 and it refers to  
matters such as 'structural design and project management for new public pool, first payment'.  
Then it goes on, Mr Speaker, but it does not specifically state the geographical location of the pool  
or the nature of the pool and really, what I wanted to know is whether those items – and I can read  
670 them to the Minister if it assists him, relate to the open-air swimming pool which they are  
electorally committed to provide, which is to provide on the East Side, by Eastern Beach, whether  
those items relate to that pool.

**Hon. N F Costa:** Yes, Mr Speaker, as with the first question the hon. Gentleman asked me,  
given the specificity of it he will need to give me notice of the question.

675 **Hon. D J Bossino:** If I can assist, if I can assist, Mr Speaker, the total amount, if one adds up all the items relating to the new public pool, is £167,600.94. Does that figure ring any bells in the Minister's mind, as to the costs which the new pool has already incurred?

680 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the question of the new pool is one which is still in the process of development, so I cannot tell him whether that is the amount incurred to date, whether that amount was incurred at a particular time or not, without having specific notice of that question. He has asked a question in this House that asks us at what stage the project stands. He has not asked us and given us notice of a specific figure on a specific page of something, so if he wants to have that information, I am quite happy either to reply to him if he cares to write to me or  
685 to answer his question if he cares to put it to me. It is a project that I am dealing with, I am running with from Convent Place.

**Hon. D J Bossino:** I am grateful for that.  
690 Mr Speaker, is the Chief Minister at least able to tell me... It was a commitment in the Election manifesto of the Alliance, and he did say I think, in fairness, during the course of the Election campaign that all the commitments had been costed. Can he at least tell me how much he envisages the cost of the new pool will be?

695 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I have given on a number of occasions in respect of such questions.

**Hon. D J Bossino:** I know I am letting myself in for a bit of a ding-dong here, Mr Speaker, or a wild goose chase, but what was the answer, can I ask the Chief Minister?

700 **Hon. Chief Minister:** It is simple, Mr Speaker: that the costings that we attributed to things when we were Members of... well, in fact, not even Members of Opposition, when we were *candidates* for the Election, are not matters for which we are answerable in this House. I have had that 'ding-dong' as the hon. Gentleman describes on a number of occasions with the hon. and learned Mr Figueras. We will answer for the estimates that we have to provide for these projects in  
705 Government, but we will not answer for the calculations that we had in respect of those costs as Opposition, in the same way – well, not even as Opposition; as candidates – in the same way that the hon. Gentlemen would not be answerable for what calculations they may have done as a Political Party or as candidates in the General Election campaign, so we will not disclose those figures. I have said that *ad nauseum* to the hon. Gentleman, but we are obliged to disclose figures in  
710 respect of costs which are on-going or estimates which we may have, in the context of the Appropriation debate.

**Hon. D J Bossino:** Mr Speaker, I made a reference to the Election manifesto and I am just going to put that point that the hon. Member has just made to one side.

715 Really, what I want to get at is the Hon. Chief Minister now sits in No. 6 Convent Place; he is also the Minister for Finance. Does he therefore have an idea or a notion at least – I will put it in the tamest terms possible – as to what he thinks the cost of the pool is going to be?

720 **Hon. Chief Minister:** Yes, Mr Speaker.

**Hon. D J Bossino:** Is he able to impart that information to the House this afternoon?

725 **Hon. Chief Minister:** Not at this stage, Mr Speaker, because there are very many different permutations and very many different potential costs that the Government, because it is at the design stage, is still looking at what those permutations could mean. So when the Government is ready and has chosen exactly what permutation the design is going to take, the Government will make the announcement and will deliver an estimate of the costs.

730 He will recall, for example, Mr Speaker, that the Hon. the previous Chief Minister, previously Leader of the Opposition, issued a statement once which was featured in the *Chronicle* that I was accused of taking everywhere with me during the course of the General Election campaign, that predicted the cost of the air terminal would be £24 million ; we have just heard today that it was £83 million. So in order to give the public information which is more accurate, we will make a statement about that and other costs that have been incurred in respect of Government projects, when we have accurate Government estimates of those amounts.  
735



740 **Hon. D J Bossino:** Mr Speaker, I have no idea what a pool will cost. Certainly, I suppose a lot depends on the location, the size of it and issues of that nature, but is he satisfied that given that this project seems to be at its very early stages, that an expenditure already, subject to what the Minister would say, but it seems there has already been an expenditure of £167,000 in relation to this pool. Would he be concerned if indeed that expenditure related to the new pool on the East Side – unless... he may not admit that it does relate to the new pool on the East Side.

745 **Hon. Chief Minister:** Well, Mr Speaker, that is a hypothetical question because I said to the hon. Gentleman that I require notice of a question as specific as that and therefore I am not going to commit myself, but a large pool for a community is going to cost a lot more than a small pool for a family, so I would not be surprised to see that the cost will far exceed that sort of sum.

750 **Hon. S M Figueras:** Mr Speaker, is the Hon. Chief Minister able to without notice say whether the Government has a time frame in mind or an estimated date of completion for the pool?

**Hon. Chief Minister:** Yes, Mr Speaker, I expect people to have happily bathed there before I call the next General Election.

755 **Hon. D J Bossino:** Mr Speaker, does the Hon. Chief Minister at least have an idea of what the expenditure is to date in relation to the new pool? Does he not have that information given that he is the one that is personally dealing with it at No. 6?

760 **Hon. Chief Minister:** Mr Speaker, I have an idea what the expenditure has been but I do not talk about ideas. In this House, I would rather be specific and if the hon. Gentleman wants to know what the figure is, he can either write to me, as I have said, or he can ask me the question and I will come armed with every pound, shilling and pence that has been spent.

765 **Mr Speaker:** Next question.

#### **FITUR exhibition Costs of Gibraltar's participation**

770 **Acting Clerk:** Question No. 88, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism provide a full breakdown of the costs relating to Gibraltar's participation in the FITUR exhibition?

775 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

780 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the full breakdown of the costs are as follows: cost of meeting for space reservation, £981; space and stand, £16,690; subsistence, £3,788; miscellaneous expenses, £3,558; stand expenses, £370; hospitality, £1,611; hotel accommodation, £2,192; travel expenses, £1,098; less participation fees of £6,600. The total comes to £23,688.

785 **Hon. D J Bossino:** Mr Speaker, the Hon. the Minister normally gives me the courtesy of providing me with a schedule of...

790 **Hon. N F Costa:** If you would give way for a second, Mr Speaker, yes, I ordinarily do provide a schedule. For some reason, they have written it out without having provided a schedule. I am perfectly happy for the kind lady, if she were to photocopy and pass it on to the hon. Gentleman.

795 **Hon. D J Bossino:** Mr Speaker, I have nevertheless taken a full note and the point that really I was getting at is what the expenditure was in relation to – and I quote him from a report in the *Gibraltar Chronicle*... Yes, it is from him which refers to his new policy of live entertainment at the stand. Now, from the information which he has just given me and I have taken a quick note of, I do not see a specific reference to the live entertainment. I would be very interested to know why that is, or what it is indeed.

800 **Hon. N F Costa:** Mr Speaker, I am not sure, now that I do not have the paper in front of me, but I suspect there must have been a space there for miscellaneous expenses. Is there? (*Interjection*) miscellaneous... (*Interjections*)

805 Alright, in respect of the miscellaneous expenses, I can tell him that the re-enactment service fee was £160 and the expenses for the re-enactment services were £258. We also had refreshments of £19 and the public relation services of Miss Silvia Martinez, who is a lady that works in Madrid and has been used by the previous administration at every FITUR. She is a Spanish national and is very useful at the event, because of course she knows the ropes in and out and she was £923.

**Hon. D J Bossino:** So the live entertainment was exclusively provided, do I take it, by the History Alive re-enactment group – is that correct, Mr Speaker?

810 **Hon. N F Costa:** Yes, sir.

**Hon. D J Bossino:** Now, it is also quoted in the press as referring to... Well, I will just read the quote, Mr Speaker. It says:

815 ‘Our new policy of live entertainment at the stand, in addition to adding interactivity, is intended to showcase the many magnificent tourist offerings that Gibraltar has to offer.’

820 Now, presumably, the History Alive re-enactment group does not add interactivity. There must be other resources which were put at play here. Can I ask the Minister what he was referring to by ‘adding interactivity’?

825 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman should try not to presume anything. The re-enactment society provided *excellent* interactivity. The very fact of them being there was so that they could, in their full regalia, interact with the public. When people walked past the stand, they asked questions not just of the tour operators and our tourism partners; they were very much drawn by these gentlemen in their full regalia and they were answering questions on history and culture and heritage and I am told, that their very presence there was one of the features that drove more people than normal to attend the stand, and there were a higher number of enquiries in respect of Gibraltar, by virtue only of having these two men fully dressed in the uniform of the day and answering questions.

830 I do have plans for more interactivity in the future, but I shall keep him in suspense until I announce it by way of a press release.

835 **Hon. D J Bossino:** Mr Speaker can he advise this House whether there have been any new business opportunities as a result of his new found initiative in terms of providing...? But no, the serious point is, it is an expensive venture. I know we did it when we were in Government. He has made a lot of emphasis on the fact that he now has live entertainment, but I think that seems to be the only, if I may say so, the only feature which is slightly different.

840 But the serious point is, can the Minister advise this House whether any new business opportunities have materialised since the FITUR fair?

**Hon. N F Costa:** Mr Speaker, prefacing questions with a lot of narrative prompts me to have to answer the prefaced elements.

845 In the first place, I have said on many occasions that the costs of doing business abroad, by way of trade shows, etc have to be kept down and we need to work harder and we need to make sure that we can measure results.

850 The cost of this year, when we planned it, was £23,687. When they planned it in 2009, it was £53,770 without the re-enactment society. So I think we are getting value for our money in respect of the entertainment that we provided and as I told him, I think, Mr Speaker, that having the services of the re-enactment society, which is a group that provides an excellent entertainment value every morning on Saturday mornings, when we are sat down at the Piazza and enjoying a coffee and having them there to illustrate the different cultures between Spain – we are in Madrid – and Gibraltar. The fact that we can boast of a proud military heritage which sells in tourism circles is a fantastic thing and for the price that I have quoted is extremely negligible – which was 855 £160 and £258 – and considering that we were able to achieve that at £23,000, rather than £53,000, I think he should be applauding the re-enactment society rather than trying to nit-pick on the cost. (*Applause*)

860 **Hon. D J Bossino:** I am not sure that I have had an answer to my question. Once again, I will ask the question: have any business opportunities materialised? That was my question. If they have not, then that is the answer; maybe it is unreasonable to expect them to materialise in a relatively short space of time, but I am not sure I have had an answer to my supplementary question.

865 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman also knows, because he has quoted part of my press release, I believe I have several... eight or nine meetings which are with prospective business opportunities. The hon. Gentleman will know, because we also recently announced it from the Mons Calpe Suite that Pullmantur will be returning to Gibraltar this year with an additional nine calls next year. That was as a result of FITUR last year.

870 The meetings with these potential investors and potential business partners with Gibraltar were only held in January, at the end of January, of this year. It is only mid-February: it is *far too soon* to be able to say whether any one particular meeting would produce a result, but I shall be calling him to tell him, the moment that one does materialise.

875 **Mr Speaker:** Any other questions?

**Hon. D J Bossino:** No, Mr Speaker. I am grateful.

**Mr Speaker:** Next question.

880

#### **Gibibikes Details of rentals**

885 **Acting Clerk:** Question No. 89, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Transport provide details of rentals of Gibibikes further to his answer to Question 351/2012?

890 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

895 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question 91.

#### **Gibibikes Update re provision**

900

**Acting Clerk:** Question 91, the Hon. D J Bossino.

905 **Hon. D J Bossino:** Can the Minister for Transport provide this House with an update in relation to the ongoing provision of the Gibibikes service?

**Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

910 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the information presented to me shows that since my reply to the hon. Gentleman in May of last year, Gibibikes has 446 members in the scheme.

Therefore, Mr Speaker, since May 2012, a total of 27 new members enrolled in the scheme.

915 Further to my answer to Question 927 of last year, My Bike Station advised the Gibraltar Bus Company Limited that as a result of various issues, in particular an issue with My Bike Station's suppliers, they have, at present, been unable to roll out the second phase of the Gibibikes scheme as agreed with the previous administration.

As a result, Mr Speaker, we are currently engaged intensely with My Bike Station to try and resolve the issue and will make an announcement in due course.

920 **Hon. D J Bossino:** Just a point of clarification. Did the Minister, Mr Speaker, refer to ‘my’  
bike station? Presumably that is the company that provides the stations?

**Hon. N F Costa:** Yes, Mr Speaker, My Bike Station Ltd is the company that supplied the  
925 Gibibikes scheme to Gibraltar.

**Hon. D J Bossino:** And is he able to tell this House, Mr Speaker, what the issues are. I can  
well understand that it could be subject to confidentiality.

**Hon. N F Costa:** Mr Speaker, at this stage, all I am prepared to say is precisely what I have,  
930 which is, that when I came to the House on the last occasion, the question was asked, I was able to  
happily say that we were at the point where issues had been resolved and agreed, and that the  
Gibibikes scheme would be rolled... the second phase of the scheme would be rolled out.

Unfortunately, subsequently, we were advised by My Bike Station that they were having  
935 various issues, the most important one was in respect of their supplies and that is the reason for the  
delay.

**Hon. S M Figueras:** Mr Speaker, can the Hon. Minister say whether there is... and again, I  
ask the question subject to the understanding that there may be certain sensitivities involved in this  
940 matter, but is he able to say whether there is any prospect whatsoever that the issues are incapable  
of being resolved?

I ask the question only if it is appropriate, to allow the Hon. Minister to allay any concerns that  
the public may have of losing the service.

**Hon. N F Costa:** Mr Speaker, as I referred to the hon. Gentleman, my office, the Gibraltar Bus  
945 Company and I have been working quite intensely on being able to resolve the issues. I am  
hopeful that they may be resolvable. I am not entirely certain today whether they are, but I am  
hopeful given that the previous administration spent around £320,000 and paid for the full roll-out  
of the scheme, not just the first phase. In other words, Taxpayers’ money has already been spent  
950 on something that has not been completed. I am hopeful that we will be able to resolve the  
situation.

But as I say also in the answer, I will make a statement in due course, if the situation changes.

**Hon. S M Figueras:** Mr Speaker, yes, I am grateful for the answer.

In relation to an earlier answer he gave, the question asks for details of rentals of Gibibikes  
955 further to your answer in Question 351 and I noted the number of new members since then. I am  
sorry, did the Hon. Minister – apologies – provide any information in respect of the rentals  
themselves, as asked for in the question? I may well have missed it.

**Hon. D J Bossino:** Mr Speaker, if it assists, the question which I posed was further to my  
960 Question 352, which I posed on 17th May, and the information provided in the scheduled answer  
took us to March 2012.

**Hon. N F Costa:** Oh, I see.

**Hon. D J Bossino:** But we have not had, I do not think, the information from March to date.

**Hon. N F Costa:** No, that is correct, Mr Speaker. The drafter to the answer mistook ‘new  
970 members enrolled’, rather than ‘rentals’. Given that he did ask the question and I have not  
provided it, I shall make sure that he receives it very early on next week. I apologise for that, Mr  
Speaker.

**Hon. S M Figueras:** I am grateful, Mr Speaker, and grateful certainly for the clarification.

Given that he has in fact provided information in relation to new members, which was  
975 incidentally an issue that my hon. and learned friend, Mr Bossino, and myself had been discussing,  
is the Minister able to confirm that Gibibikes is closed and has been so to new members for some  
time and if so, for how long?

**Hon. N F Costa:** Mr Speaker, I have not. I would not be able to tell him the exact time that it  
980 has been closed; it has been closed for new members for quite some time for this very reason –  
the reason being, of course, that because we have not been able to roll out the second phase, we have  
not been able to obtain a higher number of bikes. As he also knows, unfortunately, the My Bike

985 Station, the stations did suffer initially, during the time that they were in office, from quite severe vandalism and it did damage quite a few bikes and we have been able to repair some, but not all of them. The solution here is to bring the second phase over, but until this issue is resolved, I am afraid that it would not make any sense to allow any further members, because all it will do is to make an already over-stretched system even worse.

**Hon. S M Figueras:** Indeed, Mr Speaker, I certainly concur with the observation.

990 In the context of the fact that Gibibikes is closed to new applications, is the Minister able to say whether applications are received, despite the fact that they cannot be processed and become memberships. Is the Minister able to say whether those applications are being taken and held, in order that... right... and in that case would the... and I am happy to give notice of the question for the next session, but I am mindful that there are two months that we are going to miss – is the Hon. Minister able to provide the information in respect of the number of applications received, along with the information he will providing next week in relation to the rentals?

1000 **Hon. N F Costa:** Mr Speaker, I know that the Bus Company keeps the application, for the very simple reason that many times, of course, as is natural in Gibraltar, not only do they write to the Bus Company but they also write to me, or I am informed down Main Street that they have written in and that they have not been able to become members of the scheme.

1005 I would not know the number of applications received that have not been able to have been processed; I do know that the Bus Company always does reply to say that unfortunately, until the second scheme is rolled out, they will not be able to process their application, but there is of course a record of who has applied to become a member of the scheme.

**Hon. S M Figueras:** Mr Speaker, if I were to give notice to the Member, would the Bus Company be able to sift through those applications? It is just in order to provide an indication of the continued interest by the public in the service.

1010 **Hon. N F Costa:** Yes, Mr Speaker, it would take some time no doubt, but like with every other question posed by the hon. Gentleman opposite, we will endeavour to make sure that we have the answer.

1015

#### **Gibraltar Bus Company Limited Changes to employee complements**

1020 **Mr Speaker:** Question 90.

**Acting Clerk:** Question No. 90, the Hon. D J Bossino.

1025 **Hon. D J Bossino:** Since his reply to Question No. 928/2012, can the Minister for Transport advise whether there have been any changes in the employee complements at the Gibraltar Bus Company Limited and, if so, can he provide details of what these changes have been, including promotions, demotions, appointments and terminations of employment, with details of the reasons given for such terminations, if any?

1030 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1035 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, since my reply to Question No. 928/2012 and by referring the hon. Gentleman to the schedule that I handed over to him at the time, I wish to inform him that: there have been no demotions within the Company; there have been no terminations within the Company; there have been no appointments within the Company; there was one resignation within the Company; there was one promotion within the Company.

Firstly, I will take the last point, which is the promotion.

1040 Mr John Chacon was promoted from driver to bus inspector following an internal vacancy which arose following the retirement of one of the inspectors in September of last year.

A total of six drivers applied for the vacancy and an independent selection board, not comprised of any employee of the Gibraltar Bus Company Limited, was appointed.

A Mr Tarraf resigned.

1045 Mr Speaker, I also wish to inform the hon. Gentleman that he will notice that Mr Moreno, a supply driver, and Mr Francis Chipolina, who was the gentleman that retired in September did not appear in the schedule I handed over to him in November in my reply to Question 928, as a result of an oversight by the Gibraltar Bus Company, for which I apologise on their behalf.

1050 **Mr Speaker:** Is there any supplementary?  
Next question.

**Acting Clerk:** Question No. 92.

1055 **Hon. D J Bossino:** There is a supplementary.

Mr Speaker, if the Minister has the schedule which he provided to me in answer to Question 928/2012 – (*Interjection*) Sorry, if the Minister for Transport has the schedule in front of him which he gave me in answer to Question 928/2012. (**Hon. N F Costa:** Yes.) I did a comparison between that schedule and the schedule he provided me later where I was able to see the movements between when he was elected into office and the position as at November 2012, and I notice that there were six new employees. Two of them are Future Job Strategy – I imagine FJS stands for Future Job Strategy trainees – and I just wanted to know whether all these positions have been the subject of vacancies at the Employment and Training Board and whether they were also the subject of the same procedure that other people who have been promoted within the company had been subject to – in other words, they went to a board, they were interviewed and then recommendations were made to the Minister – whether the same procedure was followed. I do appreciate it is a double pronged question and I would be grateful for an answer.

1060  
1065  
**Hon. N F Costa:** Well, Mr Speaker, in the first place, I do have the schedule in relation to Question 928/2012, but he is referring me to two schedules, the one that I gave him in Question 928 and a previous answer. I do not have both schedules, so I am not able to cross-reference one from the other.

1070  
1075 What I will be able to tell him, however, is that clearly if there is any vacancy within the Bus Company or indeed any other of my responsibilities, any such vacancy will have to be notified and registered with the ETB in the usual way. In fact, in respect of the question that I answered to him right now there is the one promotion which was one from driver to bus inspector and that was conducted in exactly the way that the hon. Gentleman suggested which was of course a vacancy, internally, then a selection board independently, not from anyone from the Gibraltar Bus Company Limited and their recommendation to the Minister.

1080 **Hon. D J Bossino:** Presumably, Mr Speaker, the vacancy is also published at the Employment and Training Board not only internally.

1085 **Hon. N F Costa:** Well, Mr Speaker, by what I mean internally is internal to the company and not to the world at large, because of course, if we were opening a vacancy internally and externally, we would have to advertise it internally and also in the *Panorama* or the *Gibraltar Chronicle*.

1090 I think what the hon. Gentleman is referring to is the fact that there has to be a notification of vacancy at the ETB. That is under the Employment Regulations and that must be adhered to, of course as he knows as an Employment lawyer but advertising it is a choice for us whether we advertise it just internally, or internally and externally, and the policy is always that we advertise internally first and in this case, an internal applicant was successful.

1095 **Hon. D A Feetham:** Mr Speaker, he may need notice of the question and if he does, of course I will give it, but I notice here the two individuals, which are presumably FJS – Future Job Strategy Scheme – and they are both drivers. Does he know, given that it is his Department... He may not know because of course Future Job Strategy is the responsibility of Minister Bossano, but does he know what kind of training these two individuals are receiving? Is this the case, for example, of the two individuals actually being allowed to drive a bus on routes or are they, for example, following an experienced driver on the bus and being shown the ropes?

1100 Can he just perhaps throw some light on that?

**Hon. N F Costa:** Mr Speaker, I do not know the answer to that particular question. I do know that, for example – because we have had reason to discuss the Future Job Strategy cadets, as to how they are doing, for various reasons, when I meet approximately weekly with the management

1105 of the Bus Company – I know that, for example, the FJS painter and the FJS bike mechanic essentially shadow an ordinary employee.

But the question of the FJS driver has in fact never arisen during the course of my meetings with the Bus Company. Now that he has asked me, of course, I shall investigate. He can either  
1110 give me notice of the question or he can write to me and I will write back to him.

**Hon. D J Bossino:** Mr Speaker, again, he may require notice of this particular question, but five of the individuals that are identified in the schedule he provided to me in November –

1115 **Hon. N F Costa:** Was that Question 928?

**Hon. D J Bossino:** Correct, Mr Speaker, the schedule which he has in front of him. None of these appeared in the schedule which he gave me, in fact after, because he did not give me a complete reply in November. So the information which he gave me in January represented the  
1120 situation before the information which he gave me in November and none of these employees formed part of the employee complement when the Minister assumed office, so I can only assume, Mr Speaker, that these gentlemen... I think it is a fair assumption to make that these gentlemen were employed from outside the Gibraltar Bus Company complement.

But if he needs notice of this question... It is just that I am following on from what he has ably described as the normal procedure, which is vacancy internally and usually the complement...  
1125 rather the vacancies are filled by the employees currently employed within the Bus Company, but I have identified these five individuals who were not there in December and they were there in November, suggesting to me that they came from outside of the Company.

**Hon. N F Costa:** Yes, Mr Speaker. I do not have even a recollection on that. I am sure that it must have been discussed with me at some point in the course of our meetings, but I am afraid I cannot assist without notice of the question. If he does give me notice, of course I will make sure I  
1130 have the answer or he can write to me and I will write back to him.

**Hon. D J Bossino:** Mr Speaker, I will do so, because there is one issue which concerns me which is that given the concern which the Hon. Minister has expressed in the past as to the cost of the Bus Company, I do see that now the Bus Company has two... it says 'G/Operatives'. I presume it is garage operatives, which I assume enjoy a higher salary than a driver. In fact, one new garage operative was employed. I can provide the name: the name is Antonio Rocca and I just wanted to know whether he recalls anything in relation to that particular appointment.  
1140

**Hon. N F Costa:** Mr Speaker, I wish the hon. Gentleman would stop assuming, because I am not entirely certain whether it would be the case that a general operative earns more than a driver.

Also, Mr Speaker, as the hon. Gentleman I am sure will appreciate, there are quite a few, many people employed in the Bus Company so that if he has specific questions on any particular  
1145 position, given that he has had the answer to the questions previously, by way of two schedules, and he has been able to cross-reference both and there are some things that do not quite appear intelligible to him, if he asks those questions, fair enough, he can ask me, but without having both schedules before me – only having one in front of me – and given the number of people employed by the Bus Company – I do not want to assume anything, so he would have to give me notice of  
1150 the question.

**Mr Speaker:** Next question.

1155

#### **Small boat owners Provision of facilities**

1160 **Acting Clerk:** Question No. 92, the Hon. D J Bossino.

**Hon. D J Bossino:** Further to Question No. 689/2012, can the Minister for the Port state what stage the projects for the provision of facilities for small boat owners has reached?

1165 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 93 and 94.

1170

**Small boat owners project  
Inter-ministerial committee**

1175 **Acting Clerk:** Question No. 93, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for the Port provide details of the membership of the inter-ministerial committee which is driving the small boat owners project forward and how many times it has met?

1180

**Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1185 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 92 and 94.

1190

**Small boat owners project  
Project Manager**

**Mr Speaker:** Question 94.

1195 **Acting Clerk:** Question 94, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for the Port advise who is managing the project for the provision of facilities for small boat owners?

1200 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the inter-ministerial committee is comprised by the Hon. Gilbert Licudi QC; the Hon. Dr John Cortes; the Hon. Joe Bossano; and myself.

1205 The inter-ministerial committee met once and appointed Mr Chris Riddell, Director of Strategic Planning, Projects and Business Development at the Ministry of Education, Financial Services, Gaming, Telecommunications and Justice, as Project Manager. Mr Riddell enjoys the direct support of the Chief Technical Officer, Technical Services, the Captain of the Port and the Ministry for the Environment.

1210 Mr Riddell has reported directly to the Hon. Gilbert Licudi QC and to me, on the project. We in turn have communicated regularly with other members of the inter-ministerial committee, which tends to be during the course of Cabinet sessions on Mondays and have reported to the entire Cabinet on several occasions.

1215 Plans have been drawn up for the small boats marina. The project is at the: technical assessment phase in terms of analysing a wave study and commissioning geotechnical, bathymetrical and topographical surveys; environmental stage of commissioning the appropriate EIA; maritime navigation assessment phase.

1220 Consultation has been carried out with the respective representatives of Europlaza, Europort, the Mediterranean Rowing Club, the Calpe Rowing Club, the Royal Gibraltar Yacht Club and Kings Wharf Limited.

1225 **Hon. D J Bossino:** Mr Speaker, in respect of one of the answers given in relation to one of the questions, he has advised this House that Mr Riddell is the Project Manager. Mr Riddell, as I understand it, is also the – and I may be describing his position incorrectly or inaccurately – the CEO of the Postal Service. Is this in addition to that?

**Hon. N F Costa:** Mr Speaker, as far as I understand the position, no. As I said in the course of my answer, he is now the Director of Strategic Planning, Projects and Business Development at



1230 the Ministry of my hon. and learned colleague, Mr Gilbert Licudi, so he was... he did fulfil the  
position that the hon. Gentleman described, but that was at least six or seven months ago, and no  
longer.

1235 **Hon. D J Bossino:** So presumably, Mr Speaker, Mr Riddell now conducts these duties  
exclusively and my question, Mr Speaker, is what are the terms under which he is employed for  
this purpose? What does he receive in terms of remuneration? How long is he employed for? That  
is the type of information which I would like to hear from the hon. Gentleman, because in fact it  
is, I think, that type of information which... some of that information not only in relation to Mr  
Riddell, but I think in relation to others, and I stand to be corrected, is in fact already publicised in  
1240 the Government website for consultancy services. This may not fit the bill as far as that is  
concerned, but I would be interested to know whether the Minister is able to provide this  
information to this House.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice  
(Hon. G H Licudi):** Mr Speaker, perhaps I can assist.

1245 Mr Riddell works directly for my Ministry and is based at my Ministry at Europort. His terms  
continue to be exactly the same as they were when he was CEO at the Post Office, so he works to  
exactly the same terms and conditions of employment, except he fulfils now a different role for  
Government, within my Ministry.

1250 **Hon. D J Bossino:** Mr Speaker, can the Hon. the Minister for Education – and other  
Departments, *(Laughter and interjections)* I am not going to go through them now – for the  
Government! – can he confirm that he is receiving exactly the same remuneration as he was  
receiving as CEO of the Post Office? *(Interjection)* Yes, that is why I am asking for specific  
1255 confirmation in respect of what I think is an important point, and also can he tell me what that is?

**Hon. G H Licudi:** Well, Mr Speaker, I can tell him that he is receiving exactly the same as he  
used to get when he was engaged by the previous administration as CEO for the Post Office. I do  
not have the information off-hand as to what those terms exactly are. We will be happy to provide  
the answer if the hon. Member were to ask, but I certainly do not have the information off the top  
1260 of my head.

**Hon. D J Bossino:** Mr Speaker, this is clearly a highly technical project and given that Mr  
Riddell is the Project Manager is the... I am now directing the question presumably to Mr Licudi.  
Is the Minister satisfied that Mr Riddell – who I know certainly formed part of our profession as a  
1265 barrister at one point in time and I have dealt with him professionally – has the required technical  
knowledge, experience and qualifications to run a project of this nature?

**Hon. G H Licudi:** Mr Speaker, to answer the question directly, I and the Government are  
entirely satisfied and have full confidence in Mr Riddell being able to fulfil this position.

1270 I can also by the way of background say that Mr Riddell is an engineer, with wave and coastal  
engineering studies, has been a successful project manager in both naval and building construction  
projects, a lawyer practised in the building and construction industry, has both Government  
finance and project finance experience, has unquestionable local boating experience and is a keen  
underwater environmentalist, hence could not be more befitting for this project.

1275 **Several Members:** Hear, hear. *(Applause) (Laughter and interjections)*

**Hon. D J Bossino:** Mr Speaker, does the Minister know... Oh, he is also from Catalan Bay –  
1280 that probably qualifies him for the position. *(Laughter and interjections)*

**A Member:** Immediately qualified!

1285 **Hon. D J Bossino:** Mr Speaker, does the Minister know and is he able to advise this House  
when was the last time that... only because I know this particular gentleman and it surprises me  
that he should be in charge of such a technical project. I was not aware, Mr Speaker, of the detail  
of his qualifications, but one may have a qualification which one has not practised for many years.

So can I ask the Minister whether he knows the last time that Mr Riddell was involved in a  
project of this nature?

1290 **Hon. G H Licudi:** Mr Speaker, if the question is when was Mr Riddell involved in a small  
boats marina in Gibraltar, the answer is I just do not know, but I think he was not, as far as I am  
aware. (*Interjections*) But let us remember that Mr Riddell has not been engaged as the engineer  
for this project or as the architect for this project, or to carry out the mathematics study or the  
1295 waste study or anything. He has been engaged to manage the project and he has got eminent  
qualifications to do precisely that. It is the Government's choice and the Government is entirely  
satisfied that Mr Riddell is the right man to manage this particular project and to bring together the  
expertise that will be required in terms of the engineering, the maritime issues that will arise, so  
whenever professional requirements arise, those professionals are being brought in and will  
continue to be brought in to this project. Mr Riddell is managing the project.

1300 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman has listed an impressive array of  
qualifications on the part of Mr Riddell: engineering; a lawyer; experienced with construction  
contracts. But can he perhaps tell this House when was the last time... We do not know, perhaps  
1305 he does have a lot of experience in project management, but when was the last time that he  
actually managed a project of any technical nature? Also, does he know how many projects Mr  
Riddell has actually managed of a technical nature in his career?

**Chief Minister (Hon. F R Picardo):** Mr Speaker on a Point of Order, if I may just be allowed,  
1310 before the hon. Gentleman replies, I think it is fair, given that we are debating an individual who is  
not in this House and who cannot defend himself, that I should also point out that Mr Riddell has  
also been a teacher at the Gibraltar Technical College, so that all of those who are listening can  
also have that important aspect of his CV in mind.

1315 **Hon. D A Feetham:** Yes, Mr Speaker, I can assure and indeed I would not want anybody  
listening to this to get the impression that we are actually focusing on Mr Riddell, the person; we  
are talking, we are really focusing on the qualifications of the individual for the job. He happens to  
be Mr Riddell; it could have been somebody else. We are not attacking the individual; we are just  
really exploring with the Gentlemen opposite the qualifications and in fact what experience he has  
1320 in the past in relation to project management.

Perhaps at this stage now he can answer the question that I have asked.

1325 **Hon. G H Licudi:** The question, as I seem to recall, when has Mr Riddell managed or recently  
managed a project of a technical nature? Although I do not know exactly what the involvement  
was, my understanding is that Mr Riddell was the project manager for St Peter's building which  
was done during the time that the hon. Members were in office. That was a building project which  
was certainly of a technical nature, but it involved a building.

1330 **Hon. D A Feetham:** Yes and my second supplementary – I asked two – was does he know  
how many projects Mr Riddell has in fact managed during his career?

**Hon. G H Licudi:** No, Mr Speaker, I do not know that.

1335 **Mr Speaker:** I do not think the Hon. the Leader of the Opposition can really expect an answer  
to that question to arise from the three questions that we have been dealing with, but if he were to  
give separate notice, I am sure that the information can be provided.

1340 **Hon. D A Feetham:** No. Absolutely, well, Mr Speaker, I am not insisting on the answer and  
indeed, if we were particularly keen on obtaining that information, we will ask a question, but it is  
not unusual, Mr Speaker, for questions to be asked. We were talking about this gentleman's  
qualifications, the Government was extolling this gentleman's qualifications for this particular  
project and I focused not on the academic qualifications, but of course on his experience to do the  
job. If they cannot provide the answer, they cannot provide the answer. We will provide notice, if  
we require it.

1345 **Hon. G H Licudi:** Mr Speaker, what I can say is that Mr Riddell was chosen by the party  
opposite to manage, to be the Chief Executive of the Post Office and I am sure that there were  
projects in relation to the Post Office which Mr Riddell managed. So I do not know what type of  
projects... But he says 'what projects has he managed ever in his lifetime?' (*Interjections*) I am  
1350 sure there were a number of them. As I understand it, he seems to have managed the Post Office  
very well and certainly to the liking of the Hon. the Chief Minister and the Minister who was  
responsible for the Post Office previously.

1355 **Hon. D A Feetham:** Yes, but Mr Speaker – I do not really want to take it much further than this – but does the hon. Gentleman not accept that there is a world of difference in managing a Post Office to project managing a project as technical as this and of this nature? Does he not accept that?

**Hon. G H Licudi:** Yes of course there is a world of difference, Mr Speaker, but the Government is entirely satisfied.

1360 What I can say, in relation to projects which Mr Riddell has managed recently and particularly since the time that he has moved to my Ministry, is that one of the first projects that he managed was the extension to Notre Dame School. That was a project which was managed excellently, which has resulted in a magnificent extension to that school, a much needed extension to that school. It was done in record time over the summer months, it has been done to a very high specification and all that was managed by Mr Riddell.

1365 Mr Riddell is also managing, by the way, the extension that we are carrying out to St Martin's School and I hope the hon. Members will welcome that. Building is to start imminently in respect of that extension. Preliminary works have been done in terms of clearing the site. We have in fact moved a couple of trees from the site – one of them has been replanted at Alameda Estate. That was an exercise that was carried out over a weekend, so the site has been prepared and that is another project that Mr Riddell is managing for the Government. *(Applause)*

**Mr Speaker:** Any other question?

1375 **Hon. D J Bossino:** Yes, Mr Speaker, I have a supplementary to the first of the trilogy of questions which I was asked to pose and it relates to what stage the project for the provision of facilities for small boat owners has reached. Now, is the Minister able at this stage to advise this House as to when he expects the project to complete?

1380 **Hon. N F Costa:** To complete?

**Hon. D J Bossino:** Yes, complete.

**Hon. N F Costa:** Two thousand...

1385 **Hon. D J Bossino:** On the last occasion that I asked this question which was in September of 2012, which is now five months ago, he did tell me then that it was at the EIA stage and I just wondered... I think he has answered in his first answer what progress there has been since then, but I just wondered, Mr Speaker, whether he has a date when he envisages the project will actually finish.

1390

**Hon. N F Costa:** No, Mr Speaker, as I told him on the last occasion, we do not have an exact date, but it will certainly be before the next General Election – as we also said on the last occasion.

1395 **Mr Speaker:** Any other question?

## ADJOURNMENT

1400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I move the adjournment, I recognise the Hon. Mr Caruana back in the Chamber. I do not think I have missed him quite so much as I have this afternoon! *(Laughter)*

May I now please move that the House do adjourn to Thursday, 21st February at 3.00 p.m.

1405 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Thursday, 21st February at 3.00 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 21st February at 3.00 p.m. Those in favour? **(Members: Aye.)** Those against? Passed.

1410 The House will now adjourn to Thursday, 21st February at 3.00 p.m.

*The House adjourned at 5.40 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.30 p.m.

Gibraltar, Thursday, 21st February 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

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

## Order of the Day

## Questions for Oral Answer

**Clerk:** Sitting of Parliament, Thursday 21st February 2013.

### CHIEF MINISTER

#### Chief Minister's official car Hybrid replacement

**Clerk:** Answers to Oral Questions continue.

Question 194/2013, the Hon. D A Feetham on behalf of the Hon. S M Figueras.

5

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether a hybrid replacement for the Chief Minister's official car (G1) has now been identified and/or ordered?

10

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the answer remains as set out in October in answer to Question 918/2012.

15 **Hon. D A Feetham:** Mr Speaker, in the light of the fact that the Chief Minister described the G1, when he was Leader of the Opposition and indeed spokesman for the environment, as, and I quote, ‘the gas-guzzling Jaguar’, has the G1 become less gas-guzzling now that he is extensively using it as Chief Minister?

20 **Hon. Chief Minister:** Mr Speaker, may I first of all refer to the fact that Mr Figueras is not here for reasons which are outside of his control. He enjoys of course the sympathy of the Government for the reasons why he is not here and I very much look forward to seeing him back in the House very soon.

Mr Speaker, that question has an answer which is self-evident but I refer the hon. Gentleman to my answer to Question 918/2012, which explains why we have not yet been able to replace the gas-guzzling Jaguar.

25

30 **British Gibraltar Territorial Waters  
Incursions by Spanish State vessels**

**Clerk:** Question 195, the Hon. D A Feetham.

35 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how many incursions, excluding innocent passage, into British Gibraltar Territorial Waters by Spanish State vessels there were: (a) last year; and (b) this year, providing a breakdown by month?

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

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 196 to 198.

45 **British Gibraltar Territorial Waters  
Spanish fishermen entering to fish with nets**

**Clerk:** Question 196.

50 **Hon. D A Feetham:** Can the Chief Minister please state how many times, (a) last year and (b) this year, have Spanish fishermen sailed into British Gibraltar Territorial Waters unaccompanied by Spanish State vessels to fish with nets, providing a breakdown by month?

55 **British Gibraltar Territorial Waters  
Spanish fishermen entering to fish with nets**

**Clerk:** Question 197.

60 **Hon. D A Feetham:** Can the Chief Minister please state how many times, (a) last year and (b) this year, did Spanish fishermen sail into British Gibraltar Territorial Waters accompanied by Spanish State vessels in order to fish with nets, providing a breakdown by month?

65 **British Gibraltar Territorial Waters  
Spanish fishermen arrested for unlawful activity**

70 **Clerk:** Question 198.

**Hon. D A Feetham:** Can the Chief Minister please state how many Spanish fishermen have been arrested for any unlawful activity in British Gibraltar Territorial Waters since 1st January 2012?

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

75

**Chief Minister (Hon. F R Picardo):** Mr Speaker, in answer to Questions 195, 196 and 197, I now hand the hon. Member a handout with the information requested.

80

In answer to Question 198, Mr Speaker, no Spanish fishermen have been arrested for unlawful activity in British Gibraltar Territorial Waters since 1st January 2012, although as hon. Members will be aware, one such person has been summoned for related offences and is presently the subject of ongoing proceedings in the Magistrates' Court.

**ANSWER TO QUESTION 198**  
**ANSWER TO QUESTION 195**

2012												
	January	February	April	May	June	July	August	September	October	November	December	
Major Incident (Class A)				1		2	1		1	1		
Minor Illegal Incursion (Class B) i			4	31	13	24	25	10	9	8	13	
Minor Illegal Incursion (Class B) ii		1		7	3	1	1			1		
Minor Illegal Incursion (Class B) iii		1	2	4		2	1	1				
Minor Illegal Incursion (Class B) iv		1				2		1		1	1	

2013		
	January	February
Major Incident (Class A)		
Minor Illegal Incursion (Class B) i	14	
Minor Illegal Incursion (Class B) ii		
Minor Illegal Incursion (Class B) iii	3	
Minor Illegal Incursion (Class B) iv		

**Definition of types of Incursions**

- a) Major Incident (Class A). A major breach of UNCLOS Article 19 regarding actions in another nation's territorial sea e.g. the boarding or attempted boarding of another vessel by a SGV. For a Spanish Naval Vessel this will usually have resulted in interaction with the Gibraltar Squadron (RNGS) with the RGP as lead for all other SGV.
- b) Minor Illegal Incursion s(Class B). A minor breach of UNCLOS Article 19 governing innocent passage through another nations territorial sea. In particular the requirement for a 'continuous & expeditious passage'[1], that may result in the reading of warnings, but does not constitute a Major Incident. Examples include:
  - i. Loitering or stopping
  - ii. Unjustified &/or repeated alterations of course.
  - iii. Investigating civilian vessels short of attempting to board.
  - iv. Any other action which could be construed as being 'on patrol'.
- c) Passage Incursions (Class C). Entry into BGTW by a SGV apparently for the purpose of a continuous and expeditious passage through the territorial sea. For the purpose of this analysis the fact that UNCLOS Article 19 states that passage is not innocent if it is 'prejudicial to the peace, good order or security of the coastal State'[2] is ignored.
- d) Aircraft Incursions (Class D). Entry into the airspace above BGTW by any Spanish Government Aircraft. Note that unlike SGV such aircraft have no right of innocent passage whatsoever.

[1] UNCLOS Article 18 Paragraph 2  
[2] UNCLOS Article 19 Paragraph 1

**ANSWER TO QUESTION 198**  
**Answer to Question 196**

2012													
	January	February	March	April	May	June	July	August	September	October	November	December	
Fishing Incursions Net Fishing (Not accompanied)	4	1	6	3	3			2	13	11	9	3	

2013		
	January	February
Fishing Incursions Net Fishing (Not accompanied)	7	5

**Answer to Question 197**

2012													
	January	February	March	April	May	June	July	August	September	October	November	December	
Fishing Incursion Net Fishing (Accompanied)					12	1	12	9		4	4	3	

2013		
	January	February
Fishing Incursion Net Fishing (Accompanied)	3	

85

**Hon. D A Feetham:** Mr Speaker, does the Hon. the Chief Minister accept that the enforcement of the rule of law is an integral part of the integrity of the rule of law and that without proper enforcement there is in fact no rule of law?

**Hon. Chief Minister:** Mr Speaker, absolutely.

90 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister inform this House as to whether he is satisfied about the rule of law being upheld in British Gibraltar Territorial Waters?

95 **Hon. Chief Minister:** Mr Speaker, I am satisfied that the Government's responsibility not to do agreements contrary to the law of Gibraltar, that the rule of law should be explicitly agreed to be broken by nationals of Gibraltar or any other state is a situation that has been rectified since our election on 8th December 2012.

100 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister regret setting himself up as the champion of the rule of law and indeed doing away with the 1999 agreement on precisely that basis, when the rule of law no longer appears to rule in British Gibraltar Territorial Waters and that rule is more violated today than at any time in our political history?

105 **Hon. Chief Minister:** Mr Speaker, this Chief Minister and this Government remain champions of the rule of law, as any Government should be, and neither should any Government believe that it is proper to enter into agreements that the laws of Gibraltar should be broken, as the Government of which he was a Member was able to determine was appropriate in 1999. I recognise that he became a Member of that Government in 2007.

110 **Hon. D A Feetham:** Mr Speaker, what does the Chief Minister intend to do in order to deal with these systemic and very serious breaches and violations of the rule of law in British Gibraltar Territorial Waters?

115 **Hon. Chief Minister:** As the Hon. the Leader of the Opposition knows, or should know, many of the incursions to which he is referring have nothing to do with fishing; they relate to incursions by Spanish State vessels unrelated to the fishing issue that has arisen.

He will know that the Leader of the Party that he has replaced said in 2010, in a Ministerial Statement, that many of the responsibilities relating to incursions by Spanish State vessels were matters relating to the protection of Gibraltar's sovereignty that fell within the province of the Royal Navy and Her Majesty's Government in the United Kingdom.

120 He will also know, Mr Speaker, that the role of Government in Gibraltar in respect of the law is to ensure that those who are charged with enforcement have the resources available to them to discharge their obligations. The Government is ensuring that they have the resources available to discharge their obligations.

125 **Hon. D A Feetham:** Mr Speaker, finally, on this set of questions, may I remind the Chief Minister that, in December of last year, whilst he gave an interview with GBC and he specifically stated that the Government had acquired larger assets for the purposes, the specific purpose – and I can quote it, I have the quotation here – but paraphrasing, for the specific purpose of allowing the RGP to deal with Spanish fishermen incursion into British Gibraltar Territorial Waters.

130 Now, I could not help but notice that when he gave the speech in relation to the naming of the Sir William Jackson vessel, he omitted to mention that. Can he confirm that that vessel will now allow the Police to effectively better enforce our laws in British Gibraltar Territorial Waters and that that was one of the intentions on the part of the Government in respect of the acquisition of those vessels, of that vessel?

135 **Hon. Chief Minister:** Mr Speaker, I am surprised that he recalls what I said in my speech last week or earlier this week on the launching of the Sir William Jackson launch, because I did not see him there but I assume that he is referring to those parts of my speech which have been reported in the press.

140 Mr Speaker, I am not going to comment on what he says is the paraphrasing effect of what I said on a particular occasion in respect of a particular interview, but I will tell him this: the enforcement of Gibraltar's laws is a matter for those who are charged with that enforcement. We are charged with ensuring that they have the resources to do that job. I now believe that we have made more senior the assets of the RGP, in the manner that was necessary and we will continue to do so, in the manner that we have already announced, so that they can discharge their obligations to enforce Gibraltar's laws in British Gibraltar Territorial Waters, which define the jurisdictional ambit of the power of this Parliament.

145 Mr Speaker, how they do that and when they do that is not a matter for the Government; it is a matter for those who have the responsibility, knowledge, wisdom and understanding of how it should be done.

**Hon. D A Feetham:** Well, Mr Speaker, just one more question, in fact. Is he satisfied that now the RGP have the necessary assets in order to properly enforce the laws of Gibraltar in British Gibraltar Territorial Waters?

150 **Hon. Chief Minister:** Mr Speaker, I am satisfied that they are much better equipped to do so than they were before 8th December 2011.

155 **UK terms of membership in EU**  
**Impact on Gibraltar**

**Clerk:** Question 199, the Hon. D A Feetham.

160 **Hon. D A Feetham:** Can the Chief Minister please state whether he has been briefed by Her Majesty's Government in the United Kingdom on the intentions of that Government in respect of any attempt to re-negotiate the terms of membership of the United Kingdom in the EU and how this might impact on Gibraltar?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, at an inter-governmental level, Her Majesty's Government has been raising with the UK Government the issue of re-negotiation of the UK's form of membership of the EU and a potential EU exit since we were first elected.

170 I can inform the House that I raised the matter with the Rt Hon. David Lidington MP formerly, as early as my meeting with him in December 2012, long before the Prime Minister's speech on the subject in late January.

175 The Government has also previously and since, continued to discuss the matter with UK Government officials. Gibraltar has been involved in detail and, from the time that we were elected, in the UK's 'Balance of Competences' review that is on-going.

180 It was, in my view, essential, from the moment that we were elected, that Gibraltar should be involved in this review which the Foreign Secretary established to audit what the EU does and how it affects the UK, as it is essential that Gibraltar's interest must also be reflected in any such consideration. Similar engagement is also now occurring at an inter-governmental level with the FCO's 'Future of Europe' Department.

185 As all hon. Members will know, the Government has been in discussions also about the right of Gibraltarians to vote in any such in or out referendum. The Foreign Secretary has himself already agreed, at a recent Foreign Affairs Committee hearing, to start consideration of Gibraltar's inclusion in any such referendum.

**Hon. D A Feetham:** Mr Speaker, other than to ask him the question that I have asked him, I do not intend to pursue this across the floor of this House. There is a motion that I am moving in relation to precisely this issue.

190 But may I ask the Chief Minister – and I do not know what the position is that he is going to be taking in relation to that motion – but at the very least whether he undertakes to brief me privately in relation to all the issues arising out of those discussions and, of course, in particular, how far he believes that Gibraltar is going to be able to influence any re-negotiations, in a way that obviously protects Gibraltar's status and indeed Gibraltar's interests, whatever those interests may be, because there is a wide range of issues that impact on this particular problem.

195 **Hon. Chief Minister:** Mr Speaker, it is unusual to have a question and a motion which are so intrinsically linked, because one seeks information and the other one seeks to debate that information. I recognise that the hon. Gentleman will want to take matters further in the context of the motion.

200 Look, he is going to find me, as I told him when I replied to his Statement last week, always generous in wanting to share information in the interests of Gibraltar. So although he will not have my undertaking to do that, because that word has a legal meaning and I do not want to fall foul of a legal obligation, what I will tell him is that I will be happy to keep him informed of progress in respect of such matters as relate to the issue that this question raises.

205 I think it is important for him to look carefully at what I have said has already been established but also, Mr Speaker, I should say that we should not, when we are talking about issues related to the protection of Gibraltar's interests, fall into the trap of believing that if we debate them in here, we do not actually lay a trail for those who might want Gibraltar's interests not to be protected to understand exactly where it is that they have to go to lobby against us.

210 **Hon. D A Feetham:** Mr Speaker, may I say that I agree entirely with the Chief Minister and when he hears what I have to say in relation to my motion, he will see that I have approached it precisely on that



basis. It is a very neutral motion and when he hears my arguments, he will see they are couched in terms where I will not be asking the Chief Minister to effectively brief me or say anything that might alert others about potential arguments that could be used against Gibraltar in the future.

215

**Hon. Chief Minister:** Well, Mr Speaker, I will wait to hear what it is that he has to say in support of the motion, but I hope that, having heard what I have said, he may if not curtail, because he might never have wanted to go down a particular route, at least take note of what it is that I have said and the information that I have given him and my confirmation that I shall seek to keep him informed of these issues.

220

I would like to say that I will keep the public informed of these issues, but unfortunately there are also issues of diplomatic confidentiality between Gibraltar and the United Kingdom, of course, which may require that the public is not as aware of discussions as one might like them to be.

225

**Chief Minister's trip to USA  
Costs**

230

**Clerk:** Question 200, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister please provide the details of the entire costs of the recent trip to the United States, where he had an opportunity to meet President Obama?

235

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the details of the costs invoiced and paid to date are as follows.

240

I am afraid, Mr Speaker, that I usually am given a table to hand out. I do not have it now and I could read it out, but perhaps it is better that I make a photocopy of this and let him have it. This will set out for him the details of flights, hotel accommodation, transport, meals and something which has been reflected in the table as 'other costs' both in respect of myself, my wife, Minister Cortes and his wife, who travelled with us, and my senior personal assistant, who was with us throughout the trip.

245

The 'other cost' he should note is equal in respect of each of us and that is something called the ESTA Meet and Greet Service, which is the service in Washington in order to go quickly through the airport which is much lower, he will see, than it is anywhere else in the world, £293 and given the particular circumstances of this trip, it was considered appropriate to use it on this particular occasion.

250

He will note that when I have complained about the previous Chief Minister using such services, I always complained about them being used regularly and not punctually and on that on those occasions, the cost was in the region of £1,700 per trip to London. In this instance, it is £293.

Both Minister Cortes' and my expenses have already been provided on the Government website in the parts that set out such costs for our respective Ministries. We do not believe that there are any other costs to be invoiced. Should any further costs be received, they will be reflected in the statistics website.

255

In the case of Mr Cortes, an additional cost is reflected of flights to Strasbourg and from then on to London. The hon. Member will know that Minister Cortes went to Strasbourg to meet the Commissioner responsible for Fisheries, I believe Commissioner Damanaki. The flights were sold as a package and therefore it is not possible to break down the costs of going to Strasbourg and then the costs of flying to London and Washington.

I am quite happy for him to have a photocopy of this page.

	CM	Spouse	Minister Cortes	Spouse	SPA/CM
Flights	£3,366.00	£3,366.00	£5,454.00*	£3,366.00	£3,366.00
Hotel Accommodation	£2,054.00	£2,054.00	£2,054.00	£2,054.00	£4,108.00
Transport	£211.61	£219.20	£226.83	£219.20	£211.59
Meals	£276.06	£276.05	£0.00	£0.00	£6.38
Other Cost	£293.00	£293.00	£293.00	£293.00	£293.00

260 **Hon. D A Feetham:** Mr Speaker, does this include any tickets for attending the Democratic Party function at which he met President Obama?

265 **Hon. Chief Minister:** There has been absolutely no charge to the Government of Gibraltar in respect of any tickets.

**Hon. D A Feetham:** So Mr Speaker, this is the entirety of the cost of the trip, including any access fees, if there were any, for effectively attending any conference and meeting President Obama. This is the entirety of the cost that you are providing me with today.

270 **Hon. Chief Minister:** This is the entirety of the cost that has been invoiced. As far as I understand it, there is absolutely no cost to be invoiced in respect of any such tickets.

275 **Hon. D A Feetham:** Mr Speaker, can he just explain to the House... and he will not receive any criticism from us, because we think that it is entirely appropriate for the Chief Minister of Gibraltar to use any fast track facilities at the airport and he will not receive any criticism from us for using the facility. He may receive criticism from us for taking a position that was different to the position that he took when he was Leader of the Opposition, but certainly we think it is entirely appropriate for the Chief Minister of Gibraltar to do so.

280 But can he explain, given that he prefaced his comments, saying 'There were particular circumstances on the trip that required us to go through or make use of this facility', can he just explain what those circumstances were?

285 **Hon. Chief Minister:** Yes, Mr Speaker, the fact that we needed to arrive in Washington on a particular date and time in order to be able to fulfil the obligations that we had and that, as he knows, Washington is not Heathrow and although one may be expected to wait at Heathrow for ten, perhaps fifteen minutes on a bad day and if you have travelled Club not even that because there is a fast track facility for Club Class travellers and the Chief Minister of Gibraltar travels Club, in Washington and New York, he may wait three or four hours in an immigration queue, an experience that I have often had in New York, when travelling to the United Nations, and which this cost gave us an opportunity to avoid.

290 **Hon. D A Feetham:** So effectively, and I am concerned just simply with policy, the policy of the Government is really to look at this on a case-by-case basis and if circumstances require, in terms of those types of circumstances, that the Government would, the Chief Minister would use this kind of facility, but it is not really cost related. Can he confirm that is the position?

295 **Hon. Chief Minister:** Well, Mr Speaker, it is cost related in respect of the facility in the United Kingdom; it is not cost related in other particular circumstances.

300 For example, what the hon. Gentleman needs to understand is that the cost of using the VIP lounge at Gatwick and Heathrow oscillates between £1,400 or £1,700, adding more than the cost of travel again to the cost of using that facility at any of those airports, when in fact one may be able to walk through the airport much more quickly than using the VIP facility.

305 If he looks at the criticism that I have made in the past of what use was made by the previous Chief Minister, on every occasion that he travelled, where he sometimes paid more for the VIP facility than he paid for his flight, he will understand why I am setting out the policy that I am setting out now.

310 If you can avoid a three or four hour queue at an entry point into the United States, paying £293 per passenger, I believe that is completely different to incurring a cost of between £1,400 or £1,700 when there is no queue to avoid, simply, as the hon. Gentleman will know, what his predecessor as Leader of the Opposition used to tell me was, avoiding the inconvenience of having to take one's shoes off when exiting the United Kingdom and having to go through security. A matter which I am happy to tell him I have done on many occasions, when I have been Chief Minister. I have had in fact for my sins of having criticised this, been searched up and down on a number of occasions, much to the hilarity of my senior personal assistant who has been travelling with me.

315 **Hon. D A Feetham:** Mr Speaker, I feel so sorry for the Chief Minister that he has been treated in that particular way at the airport! (*Interjections and laughter*) I have to say it has not happened to me, but Mr Speaker, what I am trying to get at is the nub of Government policy in relation to this, and if I may say so, I think that the Chief Minister, perhaps because he is sensitive to the criticism that he made of my predecessor as Leader of the Opposition, his predecessor as Chief Minister, is really being slightly too defensive on this particular issue.

320 Does he not agree that it is a very narrow focus and perhaps the wrong focus to just simply look at this in terms of the cost, £1,400 or £1,700, because you could have circumstances where a Chief Minister of

the day, overburdened by the amount of work that he has, actually it is money well spent to be able to spend time in that facility, actually doing work on behalf of the people of Gibraltar, it is perfectly justifiable, and the vast majority of people would understand it.

325 Does he not accept that when he is just looking at it from the point of view of cost, and nothing else, it is not the right way to look at it and can I urge upon him a rethink of this position. And look, I may be able to criticise him once in relation to it, but I am not going to be continuing to criticise any change of policy, but it is the right policy using the facility in ways that works for the Chief Minister, for the Government of Gibraltar and for the people of Gibraltar.

330 **Hon. Chief Minister:** Well, Mr Speaker, the answer to those questions, 'does he not agree', 'will he not consider', is obviously no, because I have set out our position. We do not believe it is narrow minded, we do not believe it is necessary for the Chief Minister to have this additional cost added to his cost of travel in order to be able to work. This particular Chief Minister has been working and travelling for many years and has not needed a VIP lounge in order to be able to do so. There are some occasions when it may be necessary to use the lounge. Of course, I accept that and I accepted that when the previous Chief Minister was here, in particular the hon. Gentleman will know that I talked about if there were particularly short connection times and the Chief Minister of Gibraltar was going somewhere particularly important. If he was going to the United Nations and he had an hour between flights and this facility enabled him to catch a flight, well I think that is entirely appropriate.

335 But he can take it from me that one gets through the airport more quickly on occasions, when a Gibraltar flight lands at five or six o'clock in the evening at Heathrow, than going through this facility. If I agreed with any of what the hon. Gentleman said, well then, look, I would be acting in that particular way. The fact is that he is urging upon us that we should spend money that we do not want to spend. I will consider that we have a credit with him, at least in the amount of the use of that facility.

350 **Government revenue and expenditure**  
**Total for first six months of year**

**Clerk:** Question 201, the Hon. D A Feetham.

355 **Hon. D A Feetham:** Can the Chief Minister please provide the total amount of Government revenue and the total amount of Government expenditure for the first six months of this current financial year?

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

360 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the tentative figures of Government revenue for the first six months of the current financial year, i.e. April to September 2012, totalled £234,555,285.06, whilst expenditure totalled £228,664,117.50.

The hon. Gentleman will note that I have prefaced this answer by using the words, 'the tentative figures'. He knows that when these figures are given, they are tentative.

365

**ADJOURNMENT**

370 **Chief Minister (Hon. F R Picardo):** I have the honour to move that the House do now adjourn until tomorrow, Friday at 9.15 a.m.

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to tomorrow morning at 9.15 a.m.

375 I will now put the question, which is that this House do now adjourn to tomorrow morning at 9.15 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to tomorrow morning at 9.15 a.m.

*The House adjourned at 3.30 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 1.00 p.m.

Gibraltar, Friday, 22nd February 2013

## The Gibraltar Parliament

*The Parliament met at 9.15 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

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

5

**Clerk:** Sitting of Parliament, Friday, 22nd February 2013.

## Questions for Oral Answer

10

### SPORTS, CULTURE, HERITAGE AND YOUTH

#### City Fire Brigade

#### Audit results and publication of report

15

**Clerk:** Answers to Oral Questions continue.  
Question 95/2013, the Hon. Mrs I M Ellul-Hammond.

20

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the City Fire Brigade inform this House what the findings of the City Fire Brigade audit are and when the report will be published?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

25 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, a full audit was conducted last November and the first draft of the report is expected shortly.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say when 'shortly' is? Is it next week, or in a month's time?

30 **Hon. S E Linares:** Mr Speaker, all I can say is that Sir Ken Knight, who was the person who was conducting the audit, has... not unfortunately, but has been asked by the UK to actually do a massive audit of the Fire Brigade in the UK. That has delayed matters just slightly.

I am supposed to be having a conference with him sometime next week, in order to see if we can get the report as soon as is possible. So I am talking about next week I will be contacting him, and after that... well, shortly.

35

**Hon. Mrs I M Ellul-Hammond:** Fine, Mr Speaker.

Can the Minister say what were Sir Kenneth Knight's terms of reference for the review?

40 **Hon. S E Linares:** Mr Speaker, Mr Ken Knight was asked to do a full audit of the Fire Brigade from all aspects. The Government did not actually give like a terms of reference in the sense that we were actually concentrating on any sector, we just left it very open for him to come and do a snapshot report of the whole force.

45

#### Civil Contingencies Committee Meetings held

50 **Clerk:** Question 96, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for Civil Contingencies say how often the Civil Contingencies Committee has met since 9th December 2011, giving the dates?

55

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker.

Since 9th December 2011, the C3 has met on the following occasions. The full meetings of the C3 were on Monday, 6th February 2012; Tuesday, 29th May 2012; Wednesday, 7th November 2012.

60

The sub-group meetings of the C3 were as follows: on Thursday, 12th April 2012; Thursday, 1st November 2012; and Wednesday, 14th November 2012.

65 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if these meetings were reactive ones; or were they proactive, routine ones?

70 **Hon. S E Linares:** Mr Speaker, the first meeting that I had with them was one that, because they had not had many before... and I can say that, in the four years before 9th December – four years – there had only been six meetings. I have already had six meetings in one year. The fact is that, obviously, the first meeting that you have is to acquaint yourself with the running of the C3 and the things that need to... I have to learn a lot about the C3.

Also, I must remind the hon. Lady that there was the air disaster that was exercised, and therefore there had to be certain C3 meetings in order to co-ordinate the whole exercise, before and after, because this Government believes in a lot of debriefing after exercises are done.

75

#### Sports grants and aid Details of awards

80 **Clerk:** Question 97, the Hon. E J Reyes.

85 **Hon. E J Reyes:** Mr Speaker, sir, can the Minister for Sports and Leisure provide details of payments made since the answer to Question 12/2013 in respect of sports grants and aid to the following: (a) grants to sporting societies; (b) international competitions; (c) sports development projects; and (d) hosting of special sports and leisure events?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

90 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over the hon. Member opposite details of the sports grants awarded since the answer to Question 12/2013.

**Schedule to question 97/2013**

**(a) Grants to Sporting Societies**

T Garcia – Asian Tour	1,098.97
D Duo / J Broton – Greece Dart Competition.	1,712.50
Ten pin bowling Association – New Zealand Comp.	2,119.85

**(b) International Competitions**

Special Olympics	30,000
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**(c) Sports Development**

Shooting Federation – Official expenses	1,050.00
Badminton Association – School Teacher Development	400.00
Shooting Federation – Improvement to facilities	5,893.43
Gymnastics – School Teacher Development	4,000.00
Gecko Pro Tour Final payment	Euro 2750
Cheerleading Association -	1,061.00
Gibraltar Football Association Level 2	2,339.23
Ice Skating Association Examinations	180.00

**(d) Hosting of Special Sports and Leisure Events**

GJBS – Mega Concert Preparations	76,649.70
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95 **Hon. E J Reyes:** Mr Speaker, may I please ask a minor detail here? Under section (c) of Sports Development, where it says ‘Gecko Pro Tour Final payment’ – I think that is how the word is pronounced – can I please have some enlightenment what actual sport is the Gecko Pro Tour? It is the fifth heading down within subparagraph (c).

100 **Hon. S E Linares:** Mr Speaker, this has been one that has been there for the last two times – it is the payment for the golf.

105 **Hon. E J Reyes:** Mr Speaker, I do not know if the Minister has this at hand or not... Is that in connection with the same person, under sub-paragraph (a), where it says ‘T Garcia – Asian Tour’? I know, from previous answers, that that is in connection with golf. Is this in connection with the same individual, and it just happens, for accounting purposes, to come under two headings; or is one being paid to perhaps the association, rather than an individual?

**Hon. S E Linares:** It is not the same person; it is completely different.

110 **Hon. E J Reyes:** Yes, and finally, Mr Speaker, under ‘Gibraltar Football Association Level 2’, am I correct in assuming that, from what one gathers from the press and so on, that has to do with the level 2 coaching qualification, yes because if level 2... I do not know what sort of ability it was testing at what levels.

115 **Hon. S E Linares:** I think it is both. It is level 2 of the coaching and also refereeing.

**Hon. E J Reyes:** Yes, Mr Speaker, fine, that is fine. I will not be pedantic. Perhaps if the Minister does, upon returning to his office, find that he can enlighten me in anything, I would be grateful for any

120 updated details, just to help to complete the picture of... sort of we will call it subheadings within the contributions made to the sports. So thank you for that, Mr Speaker.

125 **Victoria Stadium**  
**UEFA approval of football pitch**

**Clerk:** Question 98, the Hon. E J Reyes.

130 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question No. 13/2013, can the Minister for Sport now confirm that the football pitch at Victoria Stadium has achieved full approval and certification, meeting UEFA standards for the playing of international competitions?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

135 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this Question together with Question 105.

140 **Victoria Stadium**  
**International Rugby Board approval**

**Clerk:** Question 105, the Hon. E J Reyes.

145 **Hon. E J Reyes:** Further to the answer to Question No. 936/2012, can the Minister for Sports and Leisure now confirm that the playing surface recently installed at the Victoria Stadium enjoys full approval and certification by the International Rugby Board for the playing of official rugby games?

150 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the situation remains the same as explained in answer to Question 936/2012.

155 **Hon. E J Reyes:** Yes, Mr Speaker. Therefore, I can deduce from there that there has been no change. The reason why I pose this question is because at last month's Parliament session, the Minister took it upon himself... He said, 'Look, this is not the first time you have raised the question,' and he gave me the impression he was going to take a personal interest to help to expedite the matter.

160 Can the Minister confirm that he has tried to give it a push because...? I tend to think that there should not be much of a problem, but when, three months on, certification does not come through, then certain individuals start to think 'Could there be alarm bells? Could there be some sort of shoddy workmanship in the installation?' and so on. Perhaps the Minister can help to allay fears amongst the sporting fraternity.

**Hon. S E Linares:** Mr Speaker, as everybody knows, I do take a personal interest in every aspect of the sports, and therefore I did take a personal... I did follow it up personally to expedite matters.

165 The fact is that until the company, or should I say the laboratory which has tested all the pitch does not give us the certification, the answer remains the same. It is still the same, but I am following it up. I can follow it up as much as I can, and until we get that certification I cannot do otherwise.

170 **Cultural grants**  
**Awards made**

175 **Clerk:** Question 99, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Culture provide details of any further cultural grants awarded since the answer to Question No. 14/2013?

180 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, since my answer to Question 14, a further £30,105 has been awarded. This information is already updated on the Government website.

185 **Hon. E J Reyes:** Mr Speaker, I am sorry to have to bring it up again: when the deadline came for posing this question, this information was not available on the website, and I think we already have a ruling from Mr Speaker – and the Chief Minister agreed – that the information should be provided across the floor of this House.

190 **Hon. S E Linares:** Mr Speaker, that is exactly what I have done, provide the information.

**Clerk:** Question 100.

195 **Hon. E J Reyes:** Sorry, Mr Speaker, but could I then... Given that I have been given a global figure of £30,105, can I have some indication if that has been awarded to just one body, or is there a particular breakdown, and can I have some relevant details please?

200 **Hon. S E Linares:** Mr Speaker, I think I did have the information here, but I cannot quite find it. I can tell the hon. Member that part of this is the payment to the Gibraltar Song Festival, a grant that was given to Gibraltar... The bigger figure, which I think is about £20,000, goes to the Song Festival. But Mr Speaker, since I cannot find it now, I am willing to pass over to the hon. Member a detailed analysis of the £30,105, if he so wishes.

205 **Hon. E J Reyes:** That is perfectly acceptable to me, Mr Speaker. However, I would like it to be done via the Speaker's Chair, so that the schedule, or whatever the Minister is going to pass on to me, actually becomes a record and therefore the Clerk is able to include it in *Hansard* and it makes life easier for us on this side to refer to it in future questions. So, I hope that is acceptable as well, Mr Speaker.

210 **Hon. S E Linares:** Mr Speaker, no problem.

#### **Victoria Stadium Improvements required by UEFA**

215 **Clerk:** Question 100, the Hon. E J Reyes.

220 **Hon. E J Reyes:** Further to the answer to Question 15/2013, is the Minister for Sports now in a position to provide this House with details of all improvements and/or modifications which will have to be carried out at the Victoria Stadium in order to meet UEFA's requirements for the hosting of official international football matches?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

225 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the position currently remains the same as explained in my reply to Question No. 15/2013. We are still awaiting the final list from UEFA via GFA.

230 **Hon. E J Reyes:** Mr Speaker, may I ask, is there any indication from any of these bodies by when they hope to forward this list? One of the interesting things that will happen is, of course, that the Minister will be under pressure to sort of... We are now almost in the month of March and he will have to prepare estimates of expenditure for next year. I think it will be beneficial for him, and for the whole sporting fraternity in Gibraltar, to have at least a list, so one can plan ahead and budget in the forthcoming financial year for any modifications or improvements that may have to be carried out.

235 So, are we in any way knowledgeable whether this is imminent within the next month, or will it be something that may only come at Christmas time?

240 **Hon. S E Linares:** No, Mr Speaker, it comes via the GFA. As soon as the GFA is ready, we will do it. At present, there is nothing much that the GSLA or the Government can do until the GFA actually hands us the list.



**Gibraltar Sports and Leisure Authority  
Centre Manager post**

245

**Clerk:** Question 101, the Hon. E J Reyes.

250

**Hon. E J Reyes:** Can the Minister for Sports and Leisure confirm that the post of Centre Manager within the Gibraltar Sports and Leisure Authority, which first became vacant around June 2012, has now been filled on a permanent basis?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

255

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this Question together with Question 102.

260

**Gibraltar Sports and Leisure Authority  
Vacancies**

**Clerk:** Question 102.

265

**Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of any vacancies which may currently exist within the Gibraltar Sports and Leisure Authority, indicating by when the Authority expects to have the said vacancies filled?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

270

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, there is currently only one vacancy for Centre Manager, GSLA, grade 5. Interviews have been completed and it is proposed to fill the vacancy as from 1st March 2013.

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**Hon. E J Reyes:** Mr Speaker, seeing the imminent appointment, is the shortlist of applicants, or whatever, for the Centre Manager post... Are they internal applicants from within the GSLA, or are there also some external applicants being considered?

**Hon. S E Linares:** Mr Speaker, all applicants were internal.

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**Hon. E J Reyes:** And therefore, Mr Speaker, if this post is filled by 1st March 2013, like the Minister has indicated, how soon does he then expect to have a vacancy that will be forthcoming, given that someone will get a promotion up to grade 5, so that we ensure that staffing levels at the Sports and Leisure Authority are as complete as possible?

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**Hon. S E Linares:** Mr Speaker, the staff at the GSLA are as complete as can be, whether there is a vacancy or not, because that can be covered, as he well knows, by other members of staff. It does not have to be, just because there is a vacancy, that the GSLA is going to break down and shift work or whatever... It can just be covered by overtime, simple overtime.

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But I can tell him that, as from 1st March, when this appointment is filled, or this vacancy is filled, there will be a vacancy from the 17, I believe, who applied. One will get it, then there will be 16, and there will be one vacancy. Then when we bring out the vacancy depends on then having a discussion with the GLSA as soon as they need it, or they require it, or they want to publish it.

295

**Hon. E J Reyes:** Yes, Mr Speaker, that is what I was asking. As soon as the appointment is made, how soon thereafter will the vacancy for whatever grade remains vacant be published? I do not see why there is a need to have further discussions. A vacancy arises as a subsequent result of what one could classify as a promotion, and therefore I am asking the Minister is he of the mind that it should be advertised as soon as possible?

300

**Hon. S E Linares:** Yes, Mr Speaker, as soon as the GSLA sees fit.

**Hon. E J Reyes:** Mr Speaker, the Minister is the Chairman of the GSLA, so how soon will he see fit?

305 **Hon. S E Linares:** Mr Speaker, there is a CEO in the GSLA who manages the GSLA. I might be the Chairman of the board, but I do not micro-manage the GSLA. Therefore, because I do not micro-manage the GSLA, it is up to the CEO of the GSLA to decide when he is going to bring out that vacancy. When he brings it out, there will be whatever process he deems necessary.

310 **Hon. E J Reyes:** Mr Speaker, I think I understand what the Minister is saying, but I just disagree with him. It is not the CEO, but rather the board proper that is responsible for filling and so on. But anyway Mr Speaker, I will leave it at that, and hopefully the vacancy will be filled as soon as possible.

315 **Culture and Heritage Agency  
Staff changes**

**Clerk:** Question 103, the Hon. E J Reyes.

320 **Hon. E J Reyes:** Can the Minister for Culture and Heritage provide details of any changes there may have been in respect of persons employed by the Culture and Heritage Agency since November 2012, which is the date corresponding to this information as last posted on the Government's website?

325 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, there have been no changes.

330 **Sports and Leisure Authority  
Changes re persons employed**

335 **Clerk:** Question 104, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure provide details of any changes there may have been in respect of persons employed by the Sports and Leisure Authority since October 2012, which is the date corresponding to this information as last posted on the Government's website?

340 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, there have been no changes in respect of persons employed by the Sports and Leisure Authority since October 2012. This information is updated on the Government website.

345 **Europa Sports Ground  
Works to playing areas and facilities**

**Clerk:** Question 106, the Hon. E J Reyes.

350 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide updated information in respect of any works currently being carried out, or recently completed, to either the playing areas or facilities at the Europa Sports Ground?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

360 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, works are being carried out on provision for a rugby training area at the Europa Sports Ground, using synthetic turf recycled from the Victoria Stadium's main football pitch. The works are expected to be completed shortly. I am saying shortly – *very very* shortly.

365 **Hon. E J Reyes:** Mr Speaker, just for the sake of clarity, obviously these works are being done and, once completed, the whole sports area will remain under the day-to-day administration of the Gibraltar

Sports and Leisure Authority – or will it be issued out, for example, to the Gibraltar Rugby Football Union? How will it operate henceforth?

370 **Hon. S E Linares:** Mr Speaker, I must emphasise that it is a very temporary solution. Because of all the moves and reallocation of the Bayside complex, due to the fact that we have had to resurface the main pitch, we have done pitch number two – we have resurfaced all of pitch number two. We have now converted another pitch, number three, which is now used for training purposes.

375 So, because of all this disruption, should I say, we have decided to recycle some of the turf that we have had left over from the main pitch to put it up in Europa Point, just in an area... It is about, I think, less than a quarter of the pitch, in the corner, so that that alleviates the backlog that there is, for example, in junior football.

380 Therefore, because the pitches are used by the junior football more – because they are now playing Saturdays, Sundays and Tuesdays, in order to try and catch up with the delay – we have decided that we will put this temporary surface up there for them. That would give them even more than what they had before, because before, what they used to have is on a Sunday, they used to have pitch number 2, I believe from 10 to 1.00, and they used to do their training.

385 Now, because there is also a national team of rugby and they need more allocations, and they were asking for more allocations down in Bayside, we saw it fit... We will put this turf here, and how it will be run is the GSLA will still be the body that will look after and maintain that but, basically, we have said to the rugby, ‘You have this, you use it as and when you need it. If you need... for example, if there are any issues with the turf or the fence or anything, just inform the GSLA. We will help you fix it, or whatever.’ Therefore, they will basically have control, in the sense that they can use it as and when they need it. So there will not be any other association using that; it will be purely for rugby.

390 **Hon. E J Reyes:** I am very grateful, Mr Speaker, for that, and I must say I support the Minister in this initiative.

395 He may recall, not that long ago, I actually had to pose a question in respect of training facilities for the rugby and so on, and he will find that I will always be extremely supportive when it comes to matters of improvement to sporting facilities, both formally across the floor of this House... and even when we meet outside, we quite often exchange ideas, because we are obviously both equally minded that although Government has to make financial provisions, sports and politics should be two separate issues.

400 May I just ask the Minister that, within all these improvements and so... may I just ask if he can confirm to me that he has not forgotten the needs for the forthcoming summer season, and so on, that the Gibraltar Cricket Association may have, who have in the past relied upon the Europa Sports Ground? Can he reassure the cricket fraternity that he will also hold them close to his heart?

405 **Hon. S E Linares:** Yes, Mr Speaker, like I do with all the other sports. Yes, in fact, the way the turf has been laid out in Europa Point, it will not affect the cricket at all. In fact, they could both use it at the same time, because in the parts that we have actually done the resurfacing, it does not impinge on the oval of the cricket at all.

410 **Youth clubs**  
**Recruitment of volunteer youth workers**

**Clerk:** Question 107, the Hon. E J Reyes.

415 **Hon. E J Reyes:** Further to the answer to Question No. 711/2012, can the Minister for Youth confirm if the campaign to recruit volunteers to work in the youth clubs has now been completed and, therefore, as from what date does his Ministry expect to open youth clubs every weekend as per his Party’s manifesto commitment?

420 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the Youth Service is currently working on projects which will include weekends. The campaign to recruit volunteers will be continuous.

425 **Hon. E J Reyes:** Yes, Mr Speaker, I am grateful to hear it will be continuous, but in reply to Question 711, the Minister did say that the recruitment campaign... he hoped to have it complete towards the end

of the month of September and that, shortly thereafter, when they would have more youth workers available and so on...

430 So, I was specifically asking can he confirm that that campaign – the one that he referred to that was supposed to end in September – has now been completed, and perhaps subsequently the Minister might even have figures available of how many extra volunteer youth workers he now has available for this sort of important and useful task.

435 **Hon. S E Linares:** No, Mr Speaker, what is actually happening is that the course is still running, and the course will be finished, I believe, by the end of March. Therefore, the course has taken from... I believe it started in November, until May.

There were certain applicants... I know that some have not completed or have not continued. I believe there are still about 13 or 14 who are currently on the course. They have to complete the course first, and then they will be able to do work within the Youth Service.

440 That does not mean that we are not pushing for the youth clubs to be opened during the weekend. The fact is that the volunteers will be helping in order to increase the availability of, should I say, volunteer youth workers in the youth clubs so that we can have a more continuous opening every weekend, hopefully.

445 At the moment, what is done is based on projects, so when there is a project, like the hon. Member knows we had about two weeks ago... We had a clean-up campaign at the back of Laguna Estate, which was organised by the Laguna Youth Club. That was carried out during a weekend; people were engaged during the weekend.

450 So, we are hoping that, by projects and things like that, we are able to open the youth clubs more frequently in order to entice young people. It has a value to leave the youth club just open and wait for the youth to come in, but if you have specific projects and things that the youth know about, then they will come and want to join in with these projects.

455 I say this because the project where the hon. Member, myself, and the Hon. Dr Cortes, were happily helping the youth clean up, was one of... I think it was a four-weekend type of thing. It just carried on, because then they were going to have the debriefing, a bit of education, then they were going to go and visit the northern defences with the heritage.

Through those programmes, we are hoping that they are open more frequently, but it is not dependent on volunteers only. We are hoping that the volunteers will then give it a boost in order to have more continuous opening of the youth clubs every weekend.

460

## HEALTH AND ENVIRONMENT

### Barbary Macaques Control measures

465

**Clerk:** Question 108, the Hon. S M Figueras.

470

**Hon. S M Figueras:** Good morning, Mr Speaker.

Can the Minister for the Environment provide details of the measures being undertaken to control the behaviour of the Barbary Macaques in the urban environment since this House considered this matter some months ago?

475

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this Question together with Questions 109 and 110.

480

### Barbary Macaques Numbers

485

**Clerk:** Question 109.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment provide details to this House of the number of Barbary Macaques in Gibraltar, further to answers given by him in this respect previously in this House?

490

**Barbary Macaques  
Notre Dame School**

**Clerk:** Question 110.

495

**Hon. S M Figueras:** Can the Minister for the Environment say whether an incident involving Barbary Macaques gaining entry to the school building at Notre Dame School, on Friday, 8th February, whilst children were present, was reported to the authorities, and what action, if any, is being taken by Government to eliminate the risk of harm coming to children in the school by the presence of Barbary Macaques in the area?

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

505

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the initiative 'Get our monkeys back to nature' was launched by the Department of the Environment with the support of the Royal Gibraltar Police, the Gibraltar Veterinary Clinic and the Gibraltar Ornithological and Natural History Society.

The initiative aims to raise awareness of the dangers of feeding the monkeys and encourages the public to co-operate in a concerted drive to get our monkeys back to living naturally.

510

Awareness leaflets are being distributed in all the known monkey hotspots and this has been followed by new information signs that have been strategically placed in the more problematic areas.

Increased Police and macaque keeper patrols also form part of the new initiative centred on the wider Barbary Macaque Management plan.

The latest estimate of the macaque population is 206.

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The incident in question was reported to the authorities. The Macaque Management Team, as well as the staff at the Department of the Environment, are in direct contact with the Headmaster of Notre Dame School and the Department of Education to ensure that any incident involving the macaques is swiftly dealt with by the team so as to ensure that there are no risks to pupils. To date, any incidents in the Notre Dame area that have been reported have all been responded to by the management team.

Measures that have been effectuated include increased patrols, provision of new macaque awareness signs, and educational leaflets.

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**Hon. S M Figueras:** Mr Speaker, I am grateful for the answer.

Does the Minister, however, concede that what he has told the public this past week is effectively a regurgitation of the same, effectively non-event, press release talking about the campaign to return apes to nature which he also used in December in response to statements made by the Opposition?

525

**Hon. Dr J E Cortes:** No, sir, I do not.

530

**Hon. S M Figueras:** Mr Speaker, in relation to the announcement made this week – between the time when I filed these questions in this House and the time when we have come here to discuss the issue – I wonder whether the Minister will tell us whether he feels that it is appropriate that, as a Member of this House, he has once again chosen to flout the authority and importance of this place by issuing a public statement on a matter which has been raised in a question, after the question has been filed, and despite previous debates and discussions in this House as to the unparliamentary and politically distasteful nature of this behaviour?

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**Hon. Dr J E Cortes:** Mr Speaker, I hear what the hon. Member has said. He has referred to... once again, without explaining what the previous occasion has been. I think the accusations are a little bit harsh, in the circumstances.

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I must say, Mr Speaker, that I was not aware – perhaps due to the fact that I have not been in this House for very long – that it would have been considered poor form.

I must say, though, Mr Speaker, that the work of the Department, and the press releases that are prepared, has its own dynamic, independent of the issuing of questions. It must also be borne in mind that the questions, once sent, do not immediately make their way to the Minister. As I say, the Department will be issuing press releases with its own dynamic.

545

I must say, Mr Speaker, that, on the occasion in question, the press release was issued embargoed until the Monday, and in normal circumstances the House would have met on Thursday and Friday and the questions would have been dealt with by the time the press release was published. The fact that the House did not extend its session on Thursday and did not meet on Friday, and instead returned today, was obviously a coincidence and out of my own personal control.

550 I assure the House and I assure you, Mr Speaker, that certainly no disrespect was meant. I hold this House in the highest regard – I have always done, since before I was a Member – and I believe that the words of the Opposition Member are a little bit harsh and inconsiderate, and are assuming a malintent, when clearly, Mr Speaker, I assure you there was none.

555 If any offence has been caused to you or to the House, I do apologise, but certainly there was no intent. The press release was not meant to be issued until the Monday – in fact, was not – and I feel that the words are harsh and unjustified.

560 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, can I be permitted to add to what my hon. Colleague has said, just for clarification?

565 The work of Government is not paralysed simply by the fact that a question is lodged for answer the following week in this House. Government Ministers and Government Departments will continue with their work and will continue to issue press releases as and when they consider appropriate, notwithstanding that the subject matter of that press release may, coincidentally or otherwise, be the subject matter of a question in this House.

570 **Mr Speaker:** No, no, no. If the hon. Member... No, I think the Minister has got it wrong. Once notice of a question is given to the House, if the Government issues a press release on that subject matter, then in effect what you are doing is you are denying the right of Members of Parliament here to question, to hold the executive to scrutinise. That is wrong. It is a practice which, in the House of Commons, would be deprecated, and I deprecate it.

I thought that the explanation which the Hon. Mr Cortes has given would have sufficed, and I am surprised that the Hon. Mr Licudi has felt that he needed to intervene.

575 I can understand that the Government, when meetings of the House are being held infrequently, will need to issue a press release. For instance, we are not going to meet until May. I do not think the Opposition would expect the Government, or any sensible person would expect the Government, not to issue a press release until May, and then make statements here. That is ridiculous. But the fact of the matter is that the House met on the 14th, and that it was then adjourned to yesterday, and this press release appeared, inadvertently – and I have accepted the explanation which Mr Cortes has given... This press release appeared in between.

580 Now, the practice should be for the Government not to issue such press releases unless they are matters which are absolutely urgent. If it is a serious matter which is absolutely urgent, then obviously it is acceptable that the Government should not wait until the House meets again, but what the Hon. Minister is saying... I am sorry, I think that is completely and utterly out of order, and the trouble is, the problem is, that either in the House of Commons or here, the Speaker does not have more power to do anything about it.

585 **Hon. G H Licudi:** Mr Speaker, it may be that I have not explained the position properly, or it may have been misinterpreted.

590 I have not said, nor is it our intention, that where a question is posed, we pre-empt what is going to happen in this Parliament by answering that question in public, or by otherwise taking the thunder away from the scrutiny and the accountability. That is absolutely not the Government's position, but it may be that, in the normal course of things, things are planned and the Government's agenda is not paralysed simply by the fact that a question is posed on a particular subject. In fact, the press release might relate to that subject, but not specifically to the question itself.

595 That is all that I have said, and that is all that I wanted to say for clarification purposes. I accept what you say, Mr Speaker, that it would be wrong for the Government to try to pre-empt and try to deny the opportunity, as my hon. Colleague has said. That was not the purpose of my intervention and I trust that [inaudible].

600 **Mr Speaker:** The Chair... I accept that we live in a world in which the growth of press releases, press conferences and interviews with the press is a matter which is expected. It is done, you know. That happens, it is a fact of life, but I would enjoin upon the Government the approach which you have now – which the Minister for Education has now... and that is to exercise care.

605 Ministers know the date when the House is going to meet, and they know that questions come in a week before. They may not get the questions themselves on that day. I imagine... Certainly, in my time, they used to go, first of all, to a civil servant, the head of a Department, who would probably draft the answer for the Minister to see. The Minister may not be aware of the fact that there is a question until a day or two later.

610 I would enjoin upon the Government that they should be very, very conscious of that fact and try, if they can, not to issue press releases which are the subject of questions in the House, unless something extraordinary happens, when I think everyone would accept that it would become necessary.

615 **Hon. J J Netto:** Mr Speaker, can I just say that, obviously, the Opposition welcomes your ruling, because, from the Opposition, this is not the first time it has happened. We have had meetings ourselves when we have seen that, in the past, we have given notice of questions, and during the period of getting information, Government has been issuing press releases on those issues.

620 **Mr Speaker:** Since October, there has been just one other previous case, when the Government issued a press release on the question of the power station.

625 **Hon. J J Netto:** And we certainly felt, at the time, that the press release could have waited until Parliament had the session of discussion. So, certainly, we welcome your ruling and I hope the Government takes it in the light of the spirit that the Speaker has said.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Can I urge the Opposition not to labour the point, because this is something which they, themselves, used to do very frequently (**Mr Speaker:** Yes.) when they were in Government, and it happened to me several times.

630 **Mr Speaker:** It is a practice which has grown over the years, and it is very difficult to put it into reverse, because the media are demanding and the public is demanding. I think we are all conscious of these realities. I think the matter has been sufficiently aired, I think we are all *ad idem* as to how the House should go ahead.

635 **Clerk:** Question...

**Hon. S M Figueras:** I have a further supplementary, Mr Speaker, on the matter of the apes generally.

640 **Mr Speaker:** Yes.

**Hon. S M Figueras:** I am grateful, in the first instance, to Mr Speaker for his ruling on the matter. Turning to the announcement that was made on Monday, 18th February, is it not the case that you have previously advocated the use of wardens for the implementation and enforcement of the feeding fines in the management plan proposed to the then GSD Government; and in this context, are you able to tell...? Is the Minister... Apologies, Mr Speaker, is the Minister able to provide this House with details of the powers those wardens who are part of this increased patrolling initiative possess, that enable them to do their work?

650 **Hon. Dr J E Cortes:** Mr Speaker, firstly, I am grateful for you accepting my description of events. Mr Speaker, the increased patrolling at the moment, as it is being done, is, as I say, by the Royal Gibraltar Police and by the team, with no additional powers.

655 The question of wardening is being addressed in the Upper Rock Plan and the Barbary Macaque Management Plan, which are now reaching the finishing stages. So, at the moment, there are no additional wardening powers. Wardens are defined and their duties described in the Nature Protection Act, and in order to assist the Member opposite, they would be those powers broadly that are defined in that Act.

**Hon. S M Figueras:** I am grateful for the answer. I am grateful, too, to note, Mr Speaker, that the plan is now arriving at its finishing stages, which it has been doing now for a year and two months.

660 I would, however, ask the Minister, given that I am not aware of the powers at this time myself, whether perhaps the Hon. Minister will be able to tell this House whether, like the Barbary Macaques, the wardens, after the plan has been brought into effect, will have any teeth with which to impose the legislation in respect of feeding of the apes.

665 **Hon. Dr J E Cortes:** Mr Speaker, if the Management Plan is completed within a short period of time, it will have only been one-sixteenth of the time that it took the previous Government *not* to complete the Plan. (**A Member:** *Our Plan.*)

670 The question of teeth, Mr Speaker... I do not have in front of me the list of duties. I am familiar in the generality of it, but I do not know whether the hon. Member opposite is talking about powers of arrest... I do not believe that powers of arrest are included.

675 **Hon. S M Figueras:** Mr Speaker, can the Minister say whether he is of the view that, in order for the wardens to be able to assist in this initiative, into which the RGP has also been included... and, frankly, I simply do not how much more the RGP can be given to do, when they already have so much on their plate, but can the Minister tell us whether he is of the view that, in order for the wardens to be able to do their job appropriately, whether giving these wardens powers to impose on-the-spot fines would be appropriate?

680 **Hon. Dr J E Cortes:** Mr Speaker, this is all very hypothetical and only tangentially related to the substance of the actual question. Nevertheless, I will attempt to give some kind of response.

I think that the possibility of on-the-spot fines is a principle that *could* apply in these circumstances. On-the-spot fines are always difficult because, obviously, it is tantamount to conviction without prosecution, and therefore there has to be clear, in this case, for example, feeding of macaques, and unless you actually see the person putting the food out, they could argue that they just dropped it on the floor. 685 The hon. Member is a lawyer, I was a magistrate, so we understand what we are talking about.

So it is a possibility, but obviously not one that is easy to enforce, but it is certainly a possibility that is being considered in the context of the Nature Protection Act. There is a similar situation with dog fouling in which it is possible to issue on-the-spot fines, and very few, in fact, are issued because it is *very very* difficult to prove. 690

**Hon. S M Figueras:** Mr Speaker, I turn now to the issue of the question I asked in relation to Notre Dame School and the incident on 8th February.

The Minister has spoken of contact by the macaque team with the school, and that any future incidents they will attend as a matter of priority, that there will be increased patrols, signs and leaflets.

695 **Mr Speaker,** is the Minister not concerned that responding to an incident may well, one day, be too late?

**A Member:** Yes.

700 **Hon. D A Feetham:** Hear, hear.

**Hon. Dr J E Cortes:** Mr Speaker, I am finding it very difficult not to be cynical and I am finding it very difficult not to laugh, because the hon. Member opposite is... (*Interjection*)

705 **Mr Speaker:** Order! Order! Order! No remarks across the floor of the House, please.

**Hon. Dr J E Cortes:** Because the hon. Member opposite is making, almost word for word, the same statements that I, in a previous capacity, used to make repeatedly to the Government of the time. And here I am – after a year of having to sort out a lot of things that I believe, Mr Speaker, were not being done properly – having to defend something which is not of my creation. 710

Mr Speaker, *of course* I am concerned about any possible incident that might affect any member of our community. What I can say, Mr Speaker, is that I am working very hard. Not everything is ready. These things take a long time: exportation of monkeys takes a long time; preparation of properly thought-out management plans take a long time.

715 So, Mr Speaker, of course I am concerned. Of course, we will do everything we can to resolve these problems. These problems have happened before. It is not the first time that a monkey has got into a building, be it a school building, a hotel room or somebody's personal home – I know that for a fact – but I think it is preposterous for me to have to stand up here and to defend the results of total lack of management for so many years.

720 I am going to steer away from that, Mr Speaker. I will just say that certainly I am concerned, and certainly we are in touch with the schools. We are working very closely with them and we are preparing certain measures, because they are not ready yet, I do not feel it would be appropriate for me to announce at this time. Otherwise, I would be accused, if it were not to happen exactly as I define now, of having misled the House.

725 So, Mr Speaker, a lot more will be said about the Barbary Macaques within the next six weeks, and I can *almost* commit myself, because it does depend on other people. I can assure the House that we are doing as much as we can, at this moment in time, to avoid this problem and to try and control the problem, which certainly, Mr Speaker, is not of this Government's making.

730 **Hon. S M Figueras:** Mr Speaker, what the community out there is asking, and asking with some alarm, is how long will it take, after the implementation of this Plan, after all the talking and all the planning and all the thinking to be done, how long it will take residents of Laguna Estate, residents of



Gardiniers Road, and residents elsewhere in the community, to experience normality in their day-to-day coming and going, without coming into contact with these wild animals? (*Banging on desks*)

735

**Hon. Dr J E Cortes:** Mr Speaker, it really is incredible to have to sit here and listen to this kind of comment from people – hon. people – whose party was in Government and who *have* to remember the number of incidents there were then, who *have* to remember that the problem is not new, who *have* to remember, although nobody is present in the House – well, one person perhaps – the kind of discussions that I had with *them* about this very issue. Having to listen to it now, and almost defend it, as if it were of my making, is absolutely incredible, but there we are – I suppose that is what some people think politics is.

740

Mr Speaker, at least now there is talking, at least now there is planning, and at least now there is thinking that at least goes somewhere deeper than just superficial talk, and we are definitely planning our actions.

745

Mr Speaker, natural systems are unpredictable. I cannot tell you where a particular Barbary Macaque or a particular blackbird will move to once it leaves the position of this bottle, but I can try and induce it to go in a particular direction by having knowledge of its behaviour and by perhaps putting something that will entice it in that particular direction. That response might not be exactly as I would predict.

750

Mr Speaker, I cannot tell anybody the exact time. What I can tell you, Mr Speaker, and I can tell this House, is that we are thinking, we are talking and we are planning much more significantly than anybody ever has done before, and that I am *fairly* confident – in fact, quite confident – that a lot of our measures will have good effect and that the people of all these estates will be able to continue their lives without having to worry about any possible aggression from the Barbary Macaques. (*Banging on desks*)

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**Mr Speaker:** I will allow one final supplementary on this subject.

**Hon. S M Figueras:** Mr Speaker, I am now –

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**Mr Speaker:** One to each of the other Members.

**Hon. S M Figueras:** I am moving now to the crux of the matter, and it may well require more than one supplementary, but I am of the view that Mr Speaker will understand that –

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**Mr Speaker:** We are beginning to debate.

**Hon. S M Figueras:** Mr Speaker, I will move to the crux, and perhaps he will see where it is that I am going with this.

770

The Hon. Minister has said that there is talking, thinking, planning, all that going on, and that he cannot control if an ape moves from the position of this bottle to wherever it may choose to go; but is it not the case, Mr Speaker, that the Minister, once again, in the regurgitated statement on Monday, 18th February, said with much fanfare that the Government is not going to cull any apes under any circumstances?

775

Can the Minister confirm that under no circumstances will the policy of not culling an ape, as a measure of last resort in the management of not just the nature reserve but its interaction with the community, will ever change?

**Hon. Dr J E Cortes:** Mr Speaker, the Government has never said that no monkeys will be culled. The Government has said that there will be no large-scale culling. (**Hon. S M Figueras:** No, no, no.) The Government has always –

780

**Mr Speaker:** Order!

**S M Figueras:** Point of Order, Mr Speaker.

785

**Mr Speaker:** Let the Hon. Minister finish.

**Hon. Dr J E Cortes:** The Government has always said there will be no culling as population control. There *will* be removal of certain individual animals, on occasions, where they may constitute a danger, or they may be injured, or as some other form of management.

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I have to specify we are not going along the avenue of large-scale culling, but we have never said that individuals... and I am not saying on this occasion, but I have to rectify it. The answer is we are not going to do a large-scale cull, but I must reiterate, and I have always said that, that certain individuals, on

795 occasions, one has to put down, for a number of reasons. I am not going to list them here – I think that is not directly relevant to the question – but I have always made that point.

800 **Hon. S M Figueras:** Mr Speaker, I beg to differ with the Hon. Minister, because it was in *this* House... and I am afraid that I do not have the reference to *Hansard* directly at this moment in time, but in this House I asked him specifically – and I recall, because I was the one who asked the question – whether, when he discarded culling publicly, and I referred him to an article in the *Chronicle* that had been attributed to him... I asked him whether they were discounting the possibility of small-scale culling as well, and he agreed. He said that that was, in fact, the case; and therefore that is inconsistent with what he is saying now.

805 I would ask the Minister to clarify whether or not they will be culling any apes, because the removal, Mr Speaker, involves, does it not, culling of a particular individual macaque, doesn't it?

810 **Hon. Dr J E Cortes:** Yes, Mr Speaker, that is exactly what I have said. Culling on a large scale, to me, and I think to most people, would be removing a group of 40 animals, be they macaques, be they deer, or whatever. We do not have deer in Gibraltar – just general reference.

815 What I have said *consistently* is that, on occasion, for whatever reason – be it injury to the animal, be it a particularly disruptive individual, be it an animal that persistently has some form of behaviour which is considered that has to be controlled – that individual animals may have to be put down – I have *always* said that – but culling will not be used as a method of large-scale population control. That is exactly what I have said in the past.

820 If it is not what I have said in the past, it is certainly what I meant in the past, and that has always been our position. Our position has always been that individual animals, for management purposes, have sometimes got to be put down; and that, I am sure, if you search *Hansard*, must be there.

825 **Mr Speaker:** The Hon. Mrs Ellul-Hammond.

830 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, one of the recommendations in the macaques back to nature awareness leaflet is for the monkeys not to associate humans with food. The following day, the Government announces the introduction of picnic areas on the Upper Rock, which is the natural environment of our tailless monkeys, and obviously humans will be there, eating food. So how will these two conflicting policies be reconciled?

835 **Hon. Dr J E Cortes:** Mr Speaker, I do not know whether the Opposition is now advocating the banning of picnicking on the Upper Rock... (*Interjection*)

840 The associating of humans with food is not that monkeys will not see a person eating a picnic... particularly in the area of Governor's Lookout, monkeys are rarely found, but anyway, it is that monkeys should not consider that humans actually *hand* them food and *provide* them with food.

845 They get used to having people putting their hands in their pockets, or getting items out of a plastic bag and handing it to them, and that is when they realise that that human can actually directly give them a source of food of high calorific value. Therefore, they are going to be associating humans with that sort of thing.

850 If humans stop doing that... and this has been seen... There was a group of macaques taken from Gibraltar to Germany – to a safari park there, in 1998 – which had been habitualised to being fed by humans. The moment that... well, several months after, people would walk through and not offer them food, they unlearned that process.

855 So one thing is not related to the other. What we must stop is actually handing out titbits to monkeys because that is when they make the link between the person, the hand in the pocket, the plastic bag. But one thing is not directly related to the other and, in any case, the picnic areas that are being created happen to be away from most of the areas that the monkeys frequent.

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

865 **Hon. J J Netto:** Yes, Mr Speaker there are two perhaps small issues that I want to raise.

870 The one is perhaps to do with clarification. I think I understood the Minister when he said that the current population is 206. Is that correct? Can he confirm that, because...

875 **Hon. Dr J E Cortes:** Yes, Mr Speaker.

880 **Hon. J J Netto:** Right, does that include new-born macaques within the previous twelve months? Because I understand, from the past, that the life expectancy of a new-born is not so high, so the figure

855 may not be included in the overall figure. If that is the case, could he then say how many new born babies were within the last twelve months?

Can I just finish my second one?

860 **Hon. Dr J E Cortes:** Sorry, Mr Speaker, I thought he had finished.

**Hon. J J Netto:** The second point I want to raise: I was surprised, actually, that the Minister did say that he cannot be expected to know where the macaques are at any given moment in time, or words to that effect. It is not something I really want to argue much about and I say this against a background that my understanding is that, in different parts of the world, not just to do with macaques but, indeed, to do with  
865 different animals, they have different – I do not know how to put it, within the new technologies available – different gadgets: which through GPS systems, they know exactly where every single animal happens to be.

I say this because, if that is the case, and whether the Department of the Environment is looking, the officials looking into this, actually, this may be part of the solution: I am not saying the whole solution  
870 but at least in knowing where there is a particular group of macaques, or a particular individual macaque, who consistently, or persistently, actually go to Laguna Estate or Moorish Castle or La Caleta, or whatever it is. Then we can target particular hotspots with particular macaques. If that is the case, what is the cost involved? I have to confess that I really do not know what the cost would be – but perhaps he could enlighten us into those issues.

875 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I apologise, I did not realise the hon. Member had not finished. That is why I intended to stand.

Yes, Mr Speaker, I remember briefing the Hon. Mr Netto when he was Minister on the fact that the numbers are tallied at the end of the year but because we are at the beginning of the year the 206 does  
880 include the births of last year and does include the deaths of last year, which had been deducted. So, yes, that is a figure. It does not include any births this year because births do not start until around end of April/May, so there are 206 on the roll, so to speak.

Mr Speaker, I did not say that we do not know where all the monkeys are. I said that we could not  
885 always predict the behaviour of animals and that is fact. But, in fact, we do not know where all the monkeys are and I think that the hon. Member will be very excited to hear the proposals and the plans that we have within, as I suspect, six weeks' time as to actions that we are planning, which are very much on the lines as he has described, regarding being able to locate monkeys.

This is something that is being finalised now and, unfortunately, I am not in a position to give full  
890 details but certainly we will shortly be able to have much more information than we have at the moment and, therefore, will be able to manage our monkeys very much more. This is why I say, Mr Speaker, that I am being quizzed at the stage when there is a lot going on behind the scenes. I hope that I will be quizzed just as intensely once the plan is in action and in operation because then I will be able to, I am sure, satisfy the questioners much more effectively.

895 **Mr Speaker:** I will allow the Leader of the Opposition to make one final supplementary on the matter.

**Hon. D A Feetham:** Mr Speaker, I am very grateful.

Mr Speaker, I just want to go back to this statement that the Hon. Minister made about Government  
900 policy not being large-scale culling but culling of individuals.

Now, of course, the concept of large-scale culling can be quite elastic. How large scale are we talking  
about? Are we really talking about, and is Government policy this, that the only culling of apes that there is going to be are of a 'handful', and I am really talking about, when I say a handful, I mean a handful of  
905 perhaps troublesome individuals that are troublesome within the group, or that may, in fact, be individuals that may be leaders of a potential pack in future that could possibly branch out, but that we are really talking about a handful of individuals and that the Government is not committed to culling apes beyond that handful?

910 **Hon. Dr J E Cortes:** Mr Speaker, it is very hard to define a 'handful': certainly no more than a handful.

We are talking about certain individuals who, for reasons of their own health, injury, some kind of character personality trait or whatever, would have to be removed.

I must remind, Mr Speaker, the huge international campaign that there was against Gibraltar the last  
915 time a large-scale culling was carried out. I believe it was in Catalan Bay, when about 30 animals were taken. There was a large campaign, not just in the academic world, but there were campaigns to try and get tourists to stop coming to Gibraltar. We had international bodies, such as the International Primate

Protection League, actively criticising Gibraltar and causing great embarrassment to Gibraltar – they are now working with us in trying to find a solution. So, I think we must remember that these actions, apart from not being humane, also have other consequences.

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**Mr Speaker:** I think the macaques have had a sufficient airing this morning. Let us hope the wet weather keeps them away from the precincts of the House (*Laughter*) because I do not think I can apply Standing Orders to them.

925

Next question.

**Clerk:** Question 111, the Hon. S M Figueras.

930

**Question 99**  
**Additional information**

935

**Hon. S E Linares:** Mr Speaker, with your indulgence, so that nobody suspects that there has been any ‘monkey business’ on Question 99, I have actually found the list that the hon. Member Mr Reyes wanted.

**Mr Speaker:** Yes, give him the information.

940

**Hon. S E Linares:** Therefore, just to say that, in the breakdown from the £30,105, it is the Music Festival of Gibraltar, i.e. the Song Festival, which was £15,000; the Fine Arts Association ‘Tears of Joy’ Hamish Dalmedo was £4,805 – I will give him the list later, Mr Speaker, I just wanted it on *Hansard* – Joe Gingell, part of the Cultural Grants, got £1,800; Gibraltar Philharmonic Society Concert in May got £7,000; and Jordan Lopez got £1,500.

Mr Speaker, I will give him the list later so that he can analyse it.

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**Report into fishing in Gibraltar waters**  
**Publication and action by Government**

950

**Mr Speaker:** Question 111.

**Clerk:** The Hon. S M Figueras.

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**Hon. S M Figueras:** We breathe a breath of fresh air, Mr Speaker, as I turn to ask a Question about the Commonwealth Park and that is whether the Minister for the Environment can provide this House with an ...

**Clerk:** Question 111!

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**Hon. S M Figueras:** Sorry, one hundred and –

**Mr Speaker:** One hundred and eleven.

965

**Hon. S M Figueras:** Eleven. Ah well, my apologies. No. Yes, Mr Speaker apologies for the confusion.

Can the Minister for the Environment say when the Government will be publishing the findings of the reports into fishing in our waters and what action, if any, is being taken in response to them?

970

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, Government has now received comments from the Nature Conservancy Council, while the Department of the Environment is finalising its analysis.

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A report will be published once an action plan has been developed. This is expected to be shortly.

**Hon. S M Figueras:** Mr Speaker, would the Minister be able to give us any indication about how long this short timeframe may turn out to be?

980 **Hon. Dr J E Cortes:** I do not think so, Mr Speaker.

There are a number of inter-related issues that come into the development of this plan so I do not wish to tie myself down to a specific timeframe.

985 **Hon. J J Netto:** Could I ask the Hon. Minister why is it that giving the Members of the Opposition a copy of the report has to wait until such time as the Department has provided an action plan. Could not the two things be completely divorced? At the end of the day, one thing is the report with its recommendations which he has had on the table for who knows how long, and the Opposition has not... Surely, whilst we welcome that there is an action plan by the Department, that does not stop them from providing the Opposition with a copy of the report?

990 **Hon. Dr J E Cortes:** Mr Speaker, this is a report that has been provided to the Government and the Government is actively working on it. It is a working document and I do not think that the time is right for it now to be released. It *will* be released. There is a commitment for it but it is an extensive analysis.

995 There have been inter-relations with the Nature Conservancy Council, as I said earlier, and there are things that have to be incorporated in Government policy. Therefore, I think it would be premature to release it at this stage. That is my opinion and it is the opinion of the Government.

1000 **Hon. D A Feetham:** Yes, Mr Speaker, may I ask the Minister whether this particular report has gone through various drafts since it was received by the Government in response to feedback, or is this a final report that has been produced to the Government? If it was a final report, did it go through various drafts before the final copy was provided to Government and, if it did, did it involve Government providing input to the report?

1005 **Hon. Dr J E Cortes:** Mr Speaker, Government has not provided input to the report. The Nature Conservancy Council requested additional information directly from the authors of the report. There has been no Government involvement in editing the report in any way.

1010 **Hon. J J Netto:** Mr Speaker, the answer that the Hon. Minister gave me just a moment ago... one can deduce from that statement that he is just not willing to provide the information to the Opposition. In the light of that, what I would like to ask him is whether, by adopting that particular position, he falls foul of the European Directive on the Freedom of Information on providing environmental information to the public?

1015 **Hon. Dr J E Cortes:** Mr Speaker, I would have to seek legal advice on that but I daresay that the legal advice would be retrospective to a time when other reports were presented to the former Government, which were not presented to the Opposition or to other people, members of the Community.

1020 What I said, Mr Speaker, I was not trying to be difficult. I said it is a document which is active, that the Government is responding to and, therefore, until its policies are completed and so on, I think it would be inappropriate to share it. I think that is a legitimate position to hold. On the actual question, then I would need legal advice.

1025 **North Mole temporary power plant  
Complaints over noise and pollution**

**Clerk:** Question 112, the Hon. S M Figueras.

1030 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment say whether the Government has received any complaints in relation to the location and operation of the temporary power plant at the North Mole since it went online in late December, specifically in relation to noise and other sources of pollution?

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

1035 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, eight persons – this reply was prepared probably about a week and a half ago, so it was correct up to then, Mr Speaker – eight persons have complained of the temporary power plant since it went online in late December 2012. Five have complained of noise, two have complained of noise and fumes, one has complained of fumes.

1040 The Gibraltar Electricity Authority is working together with Energy International in the fabrication of silencers for all five turbines, which will result in a considerable noise reduction, particularly when

1045 prevailing winds are westerly and north westerly, which is when the plant can be heard at a distance. The turbines are also being fitted with noise attenuation blankets which will, once again, reduce noise on site. The temporary power plant is presently producing half of Gibraltar's power requirements. Work will soon commence on the installation of SCR – popularly known as 'scrubbers' – which will, in turn, reduce nitrogen oxide emissions levels a further 97%. The present technology already produces about 50% less nitrogen oxide than the other power plants operating in Gibraltar.

1050 **Hon. S M Figueras:** I am grateful to the Minister for the details in respect of what is being done in relation to the noise.

1055 In relation to the fumes – and the reason for asking the question, Mr Speaker, in the first place was reports that have been made to us in respect of, specifically, fumes, the noise I personally experience, certainly, and it is like aeroplanes just on taking off on the runway, it is no more harsh than that – but in respect of the fumes specifically, will the installation of the scrubbers and the reduction of nitrous – that substance – by 97%, provide a... will that translate into less perception of the fumes by those affected in the area?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, absolutely.

1060 The elements of the emissions which cause most annoyance is, in fact, the nitrogen oxides – nitrogen dioxide and nitrous oxide – and the reduction of that by 97% will certainly reduce the perception and they will be the least polluting generators that Gibraltar has, in fact, has ever had.

1065 **Hon. J J Netto:** Mr Speaker can I just say that I also have a similar question, which is Question 161, to the Hon. Minister for Health and Safety so, in a way, I need to try and sort of divorce the kind of question I may ask now, as opposed to the kind of question I may have to ask later on.

1070 But can I ask the Minister for the Environment, in relation to those measures that are going to be introduced to mitigate the effect of noise pollution, has that been done in accordance with the control, no sorry – with the Environmental Assessment and Management of Noise Regulation 2006?

1075 **Hon. Dr J E Cortes:** Mr Speaker, my information is that it goes beyond any legal requirement and, therefore, it more than satisfies those requirements.

1080 **Hon. J J Netto:** So do I take it, then, that this particular set of regulations has been taken into account in order to establish the kind of level of noise that has been emanated, within Waterport Power Station, now that they have the new temporary generators additionally? So has any assessment been made to map out what the noise actually is and is there a report in relation to the mapping out of the noise, which may have a health impact not just on the workers of Waterport Power Station but, indeed, in any effects it may have on different workers that work in that vicinity? I am thinking about the workers from AquaGib there and the fact, of course, that there are two big housing estates. One is Harbour Views and the other is William Jackson Grove. So can the Minister confirm that assessments have been made in accordance with this set of regulations to determine the level of noise.

1085 **Hon. Dr J E Cortes:** Mr Speaker, in order to go into that detail I would need notice. I have not got in front of me the details of the exact regulations and so on that have been taken into account, so I would need notice of that question.

I think I have answered the question actually asked, accurately and to the best of my ability. Assessments have been made for the site but the exact details, I am afraid, I would need notice of.

**Mr Speaker:** Next Question - one other supplementary, yes?

1090 **Hon. J J Netto:** With your indulgence, can I ask the Minister whether he can ask his own officials whether such assessments have been made and, if they have been made, perhaps provide me with a copy of their report?

1095 **Hon. Dr J E Cortes:** Mr Speaker, I would ask the hon. Member to write to me, telling me exactly what information he requires and then, obviously, I will respond.

1100 Mr Speaker, I did fail to answer a related matter but I think that it is relevant to the general discussion, that I am happy to report that, as a result of this power generation, both the two south district power stations are now shutting down most nights between approximately 11.30 and midnight and 6.00 in the morning. So that is resulting in considerable less pollution in the silent hours in the south district.

**Mr Speaker:** Next question.

**Permanent power station  
Government plans**

1105

**Clerk:** Question 113, the Hon. S M Figueras.

1110

**Hon. S M Figueras:** Can the Minister for the Environment say whether the Government is on track to make announcements in respect of the Government's plans for the permanent power station by the end of March, as set out by Government in answers to Questions in this House?

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

1115

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this Question, together with Question 114/2013.

1120

**Permanent power station  
Location, fuels and timeframe**

**Clerk:** Question 114.

1125

**Hon. S M Figueras:** Mr Speaker, in the light of the extended adjournment of this House until May of this year, can the Minister for the Environment provide this House with an indication of the issues being considered, as well as any information he may have available to him in respect of the location of the permanent power station including, but not limited to, the fuels being contemplated for use in it and the anticipated costs and timeframe for its construction?

1130

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

1135

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, Government is currently finalising tender documents which will be published by the end of March. A decision will be taken on these elements in response to the tenders received.

1140

**Hon. S M Figueras:** Mr Speaker, in relation to the announcement of, or rather the provision of, the tender for the waste treatment facility, of which I have been made aware, I understand from a review of the papers that one of the requirements is that the waste treatment facility will generate some by-product, as an output from the facility. In that context, then, and the fact that the waste treatment facility is being tendered to be located at the site of the old incinerator plant, can the Minister tell this House to what extent the location of the waste treatment facility and the interplay between that facility, the permanent power station and, ultimately, a sewage treatment plant – something that we have discussed in the past, in terms of the interaction and the grid itself – whether that will have an impact or influence on the decision as to where the permanent power station is located?

1145

**Hon. Dr J E Cortes:** Mr Speaker, again, I think this is tangentially related – if my former geometry teacher will allow me to use such a term – to the substance of the question but all these different aspects are, as I see it, being treated independently of each other. There may be a synergy but, at this stage, they are being treated independently.

1150

**Hon. S M Figueras:** Sorry, for the avoidance of doubt, Mr Speaker, and in layman's terms, where is the permanent power plant going to go?

1155

**Hon. Dr J E Cortes:** Mr Speaker, as I said, tender documents are being prepared which will stipulate certain requirements and, in response to these tenders, then the different aspects will be taken in and the final decision taken on all the different elements.

I am not able to give any more information.

1160

**Hon. S M Figueras:** Mr Speaker, I concede that point and I understand entirely that tender documents are being prepared and that they will act and react based on the responses that they get but, as the Government is issuing the tender, is the Minister able to provide us with any indication as to location, or locations, where the permanent power plant will be built?

1165 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman knows that I am the Chairman of the inter-ministerial committee dealing with the power station. The Hon. the Minister for the Environment is an important and essential part of those determinations, as is the Minister for the Utilities, who is responsible for the provision of power under his ministerial responsibility.

1170 Mr Speaker, I think the Minister has given a very clear answer. The hon. Gentleman does not perhaps appreciate that some of the issues that will be subject to the tender will affect areas where particular parts of the fuel maintained for the generating capacity etc. may or may not be able to go. That is why the issues which the hon. Gentleman is pointing to do not determine one particular place where the new power station will, or will not, be located. That is something that needs to be a little bit more open, even at tender stage.

1175 **Hon. J J Netto:** Could I ask either the Minister for the Environment or the Chief Minister whether, regardless of the locations of different power station or the sullage plant or whatever, is it still the aim of the Government, nevertheless, that all of these facilities should be linked in co-generation and, as a result of the co-generation, they will be able to produce renewable energy as a result of integrating the different systems? If so, what would be the percentage of renewable energy that the co-generation between all  
1180 these facilities would produce? What would be the aim?

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman knows that we have a manifesto commitment as to the use of renewable energy in Gibraltar. It is not possible to give him an answer as to percentage at this stage but he is right to point out that it is one of the issues which is relevant to the Government.  
1185

**Hon. J J Netto:** Well, Mr Speaker, I mean, I accept that he might not be able to say whether, as a result of interlinking all these facilities it will be able to give 25% of renewable energy, or 5%? But I am sure, pretty sure, that the Chief Minister will know what is the bracket or percentage of renewable energy that interlinking all of this would be. It may be, perhaps, between 15% to 20%. I accept that. I am not  
1190 trying to pin him down now to one decimal point but at least to give an indication of what, on the basis of the advice given by consultants, by doing the co-generation, what renewable energy in terms of percentage will be. I think that is a fair question.

**Hon. Chief Minister:** Well, Mr Speaker he may think it is a fair question. I think it deviates quite considerably from what the original question is. I could tell him that I need notice of the question but I am not going to tell him that. I am going to tell him, Mr Speaker, that it is not possible to actually determine that until we have the final technical characteristics of the station that you are going to choose.  
1195

If he wants a bracket, Mr Speaker, I will give him this bracket – I would be very disappointed, indeed, if we are not producing at least 10% of our energy from renewable sources by the time that I call the next General Election – or are on the way to do so, if those things are still to be installed or to start work.  
1200

I would hope, Mr Speaker, that one day we have 100% of our energy potentially from renewable sources. I think he could have ascertained that from everything that we have said in our manifesto. I know they think we are not intending to comply with any of our obligations there, but there he has it in *Hansard*.  
1205

**Hon. J J Netto:** The answer the Chief Minister has just given partly answers my question. I think he is probably thinking that this would produce something around 10% and I think that is probably not too far off from where the GSD Government thought that would have been the percentage, perhaps a bit more than that.  
1210

I accept all the caveats that the Chief Minister is saying but, of course, we need to look at whatever percentage will be produced in terms of renewable energy against the background of what you feel legislation is at the same time. There may be a deficit between what is possible for us to do in the context of Gibraltar with these kind of initiatives and, if there is a deficit, whether the Government is thinking that there are other things they can do in order to try and reach the European target.  
1215

**Hon. Chief Minister:** Mr Speaker, I know that the Hon. the Minister for the Environment is keen, is chomping at the bit, but he was not in Parliament when *he* was and the hon. Gentleman will recall that the hon. and gallant Colonel Britto, when I asked him whether it was possible for them – six months before the Parliamentary timetable would expire by effluxion of time, if an election was not called – to comply with their 2007 General Election manifesto to produce at least 10% of Gibraltar's electricity from renewable sources, he told me then that they would not be able to comply with that obligation: in fact, that the amount of electricity generated from renewable sources by the time the General Election would be called would be 0%. Now, by a recent setting out of what 'electoral fraud' means, it appears, on that basis, that the 2007 General Election was won by electoral fraud.  
1220



1225 Let me put it this way, Mr Speaker, the explanation that Mr Britto gave then was that, actually, we were going to be much more ambitious than 10%. We were going to go to 20%, which is where the EU was going as a target, but that we were not going to produce any of that ourselves: we were going to rely on the fact that the member state for European purposes – the United Kingdom – the United Kingdom would be producing 20% and we would slip in under the radar.

1230 We are much more ambitious for Gibraltar, Mr Speaker. We believe that Gibraltar can produce its own renewable energy in excess of 10%. It can surpass its European obligations, whether or not shared with the United Kingdom, and on a sunny day in August, many years in the future, we expect it may even be possible for 100% of our energy to be produced from renewable sources. In those circumstances, if all of those things go well, then 10% will seem a distant memory.

1235 Will it ever be 100%? Well, Mr Speaker, a lot depends, as he knows, on how renewable energy develops and changes our capacity to harness the renewable sources that energy is produced from, whether it is sun, wind or tidal energy. But all of those things are being very actively looked at by the Government. They are as much our ambition for the way that we generate electricity as a traditional fossil fuel burning station would be, whether that is fuelled by gas or it is fuelled by diesel. The hon. Gentleman knows that it is a matter that is being looked at in quite some depth by the Government, but the renewable element of that is as important to this Government as the non-renewable element of that.

**Mr Speaker:** Does the Hon. Minister for the Environment have anything to add?

1245 **Hon. Dr J E Cortes:** No, Mr Speaker, I have nothing further to add at this stage.

**Mr Speaker:** Next Question.

1250

#### Commonwealth Park Project update

1255 **Clerk:** Question 115, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment provide this House with an update in relation to the construction of the Commonwealth Park?

1260 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, works on the Commonwealth Park project are progressing well, with the utility services diversions currently ongoing. The project is on programme for completion by spring 2014.

1265 **Hon. S M Figueras:** Mr Speaker, is the Minister able to confirm, in the context that the works are ongoing, that contracts have been awarded in respect of the construction of the park?

1270 **Hon. Dr J E Cortes:** Mr Speaker, as I said in a previous meeting, the works are being carried out by GJBS.

**Hon. S M Figueras:** Mr Speaker, I will quiz the Minister further by giving him notice of questions in that regard at a later meeting.

1275 However, returning to the construction of the park, much as the Minister has said that he is looking forward to sharing a walk with me when it is completed in the spring of 2014, I am looking forward to the fair this year, and I was wondering whether the Minister would be able to provide this House with details as to where the fair will be located this year, in the context of the construction.

1280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, again, as the hon. Gentleman knows, this is a matter I have been dealing with, because of the macro-economic issues it raises about different plots.

I have already answered that question to the former Leader of the Opposition, I believe, and the position remains that an announcement will be made very shortly as to where the fair will be held this year.

1285 Consultation has already occurred with the stakeholders, namely the Ministry of Culture and the Self-Determination for Gibraltar Group. They are looking at some final details, and I believe it will be possible for the Government to make a full public announcement about the subject very shortly.

**Government-awarded contracts  
Payment to 'Chrand' for Al Gore**

1290 **Clerk:** Question 116, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Minister for the Environment provide details in relation to the payment listed in Government Statistics table GC.6, Government Awarded Contracts by Ministerial Applications, as being paid to 'Chrand', agents for Al Gore, and described as being in respect of the Thinking Green Conference, including, but not limited to, the date when this payment was made and to what end?

1295 With Mr Speaker's indulgence, perhaps I could just explain that, at the time when I asked the question, GC.6 had this information, but following the asking of the question, there has been a change in the Government's statistics website. There has been an update and there have been a few changes, and I am just pre-empting a point that the Minister may well not raise.

1300 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will give the prepared answer. I have not checked the website.

1305 Mr Speaker, the payment of €100,000 to 'Chrand' listed in the Government Statistics table GC.6 was made in two equal payments of €50,000, and it was for the organisation and management of the conference, including security services for the guest speakers and fees for both speakers.

1310 These payments were effected on 31st August 2012 – €50,000, equivalent to £41,675.69; and 28th September 2012 – an exact same amount as the previous one.

**Hon. S M Figueras:** Can the Minister say whether these payments were made in addition to the payments listed in the schedule, the global £197,000 there or thereabouts, that we have discussed previously?

1315 **Hon. Dr J E Cortes:** Mr Speaker, my information is that this is included. This is a subset of the overall cost that has already been discussed in this House.

**Hon. S M Figueras:** And so the Minister can confirm that the total amount for the cost of the Thinking Green Conference would – and should, in the circumstances – remain what we had discussed at a previous meeting?

1320 **Hon. Dr J E Cortes:** Mr Speaker, that is my information, certainly.

1325 **Mr Speaker:** Next Question.

**GHA Review  
Report by Langan and Schroter**

1330 **Clerk:** Question 117, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister for Health now in a position to provide this House with a copy of the GHA Review Report by Langan and Schroter?

1335 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I explained the process to be followed in the content of my reply to Question 1028/2012.  
1340 The process is proceeding, but not yet complete, so that some more weeks are required.

**Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, I only ask this because the Hon. Minister stated in December's Parliament session that after the Christmas period the Report would be published, and obviously we are nearly three months on now.

1345 You said in two or three weeks' time: can you confirm that it will be made available?

**Hon. Dr J E Cortes:** Mr Speaker, I said 'some more weeks'.

1350 What I said in the previous question was that the advice I was heeding of the Executive and of the Health Authority Board was that we had to identify certain structures addressing a lot of the problems of the Report, and that is when it will be published.

This process is ongoing. Clearly, when you are looking at structures in a complex organisation, they do take longer than you would wish, but we are getting there.

1355

**GHA website  
Date for going live**

1360 **Clerk:** Question 118, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state when the new GHA website will be up and running, as per his Budget 2012-13 Statement?

1365 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the new GHA website is currently being developed and the target date for this to be operational is April 2013.

1370

**St Bernard's Hospital  
Plated meals**

1375 **Clerk:** Question 119, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if patients at St. Bernard's Hospital are still getting plated food?

1380 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, patients at St. Bernard's Hospital are still receiving plated meals.

1385 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say when the new system will be introduced, and how will it work?

**Hon. Dr J E Cortes:** Mr Speaker, the new system will be fully implemented when the new kitchen facility is completed, which is some time away, although plans are now being finalised.

1390 In the meantime, we are looking at a pilot implementation of bulk food distribution as a precursor to when the whole system will change. Having the kitchen on site will make that much more possible and much more easily achieved. Therefore, I cannot commit myself to that until the new kitchen facilities are ready, but we are piloting the system, hopefully starting quite shortly.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm if the site of the new kitchen is actually round the back of where the Accident and Emergency is?

**Hon. Dr J E Cortes:** Mr Speaker, the plans are currently being developed. It is not at the back. It is on site. It is an extension to the west, but certainly not in the Accident and Emergency area.

1400 **Mr Speaker:** Next Question.

1405 **Hospitals receiving GHA sponsored patients  
Measurement of results**

**Clerk:** Question 120, the Hon. Mrs I M Ellul-Hammond.

1410 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what is the process for measuring the results of hospitals used in the UK, Spain and other countries, to which we refer GHA patients as sponsored patients?

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

1415 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, most of the centres have their own internal mechanism for evaluating results on the outcomes of interventions carried out, and these are available to the GHA.

1420 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, what are the outcomes of success of these hospitals – in particular the ones in Spain, because my understanding is that there is a huge concern with the hospital in Cádiz?

1425 **Hon. Dr J E Cortes:** Mr Speaker, this is a slightly different question again. I do not have that information here available.

The concerns about the hospital in Cádiz, some have come to my notice, but at the same time there are also instances when one gets very positive feedback from the hospital in Cádiz. If there are any particular matters of concern, I would be very happy to discuss this with the hon. Member – clearly, not in the House, as this would refer to individual patients, but I would be very happy to do so.

1430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then explain how does the system of checking results at different hospitals work? Is this done on a regular basis, or when a hospital is identified and where sponsored patients will be referred to? Is it done on a case-by-case basis? How does the system work?

1435 **Hon. Dr J E Cortes:** Mr Speaker, at the moment, it is exactly the same as the former Government used to have, so I am sure that the hon. Member would have some recollection of that, in view of her involvement on the Health Authority Board.

1440 There are... Clearly, individual cases will be studied by the relevant consultants. We have taken steps to create a database based on... or we are in the process of attempting to create a database based on UK hospital results which directly relate to the kind of procedures that we buy off them in the UK, but clearly when we send only small numbers of patients, then clearly the assessments should be on a case-by-case basis, rather than an overall.

1445 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, can the Minister confirm that, if the results are not deemed desirable by the clinicians in Gibraltar, sponsored patients will be sent to another hospital?

**Hon. Dr J E Cortes:** Absolutely, Mr Speaker. My prime responsibility is to ensure the best possible treatment to all members of our community.

1450

#### **Nursing conference Arrangements for 2013**

1455 **Clerk:** Question 121, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if Gibraltar nurses will be holding a nursing conference this year; and if so, when is it set to take place?

1460 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1465 **Minister for Health and the Environment (Hon. Dr J E Cortes):** The Gibraltar nurses were invited to form part of the Small Islands Nursing Conference team. A team will be attending the Conference in Guernsey, scheduled to take place in September this year. Gibraltar attendees will be contributing to the Conference and sharing best practice with overseas colleagues.

It is Gibraltar's turn to host the event in 2015.

1470 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, my understanding is that there was an annual local nursing conference for local nurses. Has this practice now been stopped?

**Hon. Dr J E Cortes:** Mr Speaker, I have responded in relation to whether a nursing conference is to be held this year. If there is no intention of holding one this year... Nursing conferences will depend on the subject matter, whether there are current issues to be discussed.

1475 There is some thought being given to some conference next year, but this is a matter that is being discussed by nurse management, and certainly there will be a response if a proposal is made. At this point in time, it is not a question that we have ceased any practice; there has not been a request for a conference this year.

1480 Members of the nursing profession will be attending the Conference in Guernsey. We are committed to hosting the event in 2015. There *might* be a smaller-scale one next year, but this is something that the Health Authority will respond to as a result of requests generated from the nurses.

**Mr Speaker:** Next Question.

1485

**Repeat prescriptions  
New process**

1490 **Clerk:** Question 122, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how the new repeat prescription process, without the need to see a GP, will function?

1495 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1500 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, There will always be occasions when a doctor wants to see a patient before issuing a repeat prescription, or when a patient feels that such a consultation is necessary. This was the main challenge related to the provision of repeat prescriptions and is one that has been very significantly resolved with the new appointment system.

For cases when a consultation may not be necessary, steps are being considered and discussed as the policy is drafted.

I can confirm that – it was not clear in the prepared answer – there is a process by which a policy is being drafted at this point.

1505 **Hon. Mrs I M Ellul-Hammond:** But, Mr Speaker, is there not a system already in process whereby you can take your last prescription to Mr Guillem, and he will then give the patient again another six months of prescriptions, or just to tide the patient over until he or she sees the doctor?

1510 **Hon. Dr J E Cortes:** Mr Speaker, the system that we introduced was related to patients where the doctor wished to see him or her, and then, when they have the last prescription, they can come in and get an appointment, without having to queue up and so on, on the first working day of the month. If they have lost that prescription, then they can go to the Prescription Advisory Unit and get a prescription and an appointment.

1515 The question, I think, refers to when the doctor issues a prescription for six months, but does not feel there is a need, and then we have to introduce a different system, in which the prescription could be signed by a GP, referred to him either on a card or electronically and so on, and that is a system that we are now developing.

1520

**Colon cancer screening  
Start date and process**

1525 **Clerk:** Question 123, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise when the colon cancer screening programme is due to start, and how it will work?

1530 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the programme is currently being prepared by the clinicians, and the staff that will run it are being identified. It is expected to start in the summer.

1535 An announcement and publicity campaign with details of how it will work will commence shortly before that.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say who will be running it?

1540 **Hon. Dr J E Cortes:** Mr Speaker, it will be a multi-disciplinary approach: there will be administrative identification of the patients who have to be contacted; there will be a certain amount of laboratory investigation, which will be carried out in the laboratory; and the clinical team would be led by one of the consultant general surgeons, who would carry out the actual physical investigations.

1545 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if the whole population will have access to the screening programme, or is it just particular target groups or particular age groups?

1550 **Hon. Dr J E Cortes:** Mr Speaker, this is one that is being developed. There will be a range of ages were it is considered, using UK information, that are the ages that have to be hit first. This is part of the programme that is being prepared and, as I explained, will be publicised before the exercise, so that people know that they may, in fact, be contacted for screening.

**New ambulances  
Cost**

1555

**Clerk:** Question 124, the Hon. Mrs I M Ellul-Hammond.

1560 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how much the five new bespoke patient transfer vehicles are going to cost?

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

1565 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Yes, Mr Speaker. The purchase of the five new ambulances has been awarded by tender, with a total cost of £621,597.

**Accident and Emergency  
Number of patients seen**

1570

**Clerk:** Question 125, the Hon. Mrs I M Ellul-Hammond.

1575 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how many patients were seen at A&E during the months of September to December 2012, inclusive?

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

1580 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the total attendees at A&E for the period September to December 2012 are as follows: September, 3,124; October, 3,098; November, 2,839; December, 3,071.

1585

**Registered General Nurses  
Vacancy notices**

**Clerk:** Question 126, the Hon. Mrs I M Ellul-Hammond.

1590 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain why vacancy notices for Registered General Nurses for, I quote, 'short-term contracts of varying lengths' are being

advertised if the GHA is still recruiting full-time nurses to fill the increased complement of 33 nursing positions?

1595 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1600 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the increased complement of 33 nursing positions was mainly for Nursing Assistants; however the vacancy notices of 'short-term contracts of varying lengths' mentioned are for Registered General Nurse vacancies which exist within the overall nursing complement. The 'varying lengths' element allows flexibility – for example, to cover maternity leave.

1605 **Hon. Mrs I M Ellul-Hammond:** So, can the Minister confirm these are to cover maternity leave, sick leave, study leave, and so on?

**Hon. Dr J E Cortes:** Precisely, Mr Speaker.

1610 **NaPro technology treatment  
Availability as alternative to IVF**

**Clerk:** Question 127, the Hon. Mrs I M Ellul-Hammond.

1615 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say whether he is considering offering NaPro technology – that is natural procreative technology – treatment in the GHA, as an alternative to IVF?

1620 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, sir.

1625 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if this treatment is available on the NHS?

**Hon. Dr J E Cortes:** Mr Speaker, it is not one of the treatments that is generally provided under the NHS, as far as my information goes.

1630 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister say if this treatment is evidence based and endorsed by the gynaecologists of the GHA?

1635 **Hon. Dr J E Cortes:** Mr Speaker, the literature does include some references where it is considered to give an increase in the success of conception, but as in many procedures related to health, and to science in general, there are other studies that suggest that this is not the case.

It is clearly a question that has arisen recently, and may in fact be related to people's own personal, religious or other beliefs, and therefore it is a system that we consider in the same way that there are certain persons who may not want to have blood transfusions, and we do allow certain other technologies in those circumstances. It is considered that, on certain occasions – obviously, always with the advice of medical practitioners – this technology might be suitable.

1640 The actual process by which this might be carried out is currently being discussed within the Health Authority. There have been no requests to date.

1645 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is this treatment being endorsed by the gynaecologists of the GHA.?

**Hon. Dr J E Cortes:** Mr Speaker, as I have just said, the offer of the treatment is being discussed within the Health Service, which includes clinicians, and including the Director of Public Health, and the policy will be formulated in consultation with them.

1650 There have been no requests so far. What I have said is that we would be willing to offer this in certain circumstances, but obviously it would have to be following medical advice.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, my understanding is that this treatment is not NICE approved, so if, following medical advice, you are told not to expect the taxpayer to fund this non-

1655 evidence-based health treatment, which is considered a complementary therapy, will the Minister be taking advice and not offering it on the GHA?

1660 **Hon. Dr J E Cortes:** Mr Speaker, the Minister might then have to take a view. But yes, indeed, it is a hypothetical question, because no such requests have come yet. We have not received the request, we have not received the advice, we have not considered or discussed the advice, and therefore I think it is premature to take this discussion further.

1665 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the GHA be taking on board the new NICE – as in National Institute of Clinical and Health Evidence – their guidelines to extend IVF treatment to women from the ages of 40 to 42, and offer treatment after two years of trying to get pregnant, as opposed to after three years?

1670 **Hon. Dr J E Cortes:** Mr Speaker, the NICE guidelines, which were amended just a few days ago, include a number of changes to those – and I have them in front of me – that were considered when the policy was discussed. So, very quickly, we have taken advice of the Director of Public Health. We are holding discussions with the gynaecologists. In fact, they will be reporting back to me during the course of next week, I believe, and it is likely then that, in order to be consistent, we will be amending our policy or putting to the Board of the Health Authority that the policy be amended in keeping with the new guidelines.

1675

#### Occupational Therapy report Outstanding works

1680 **Clerk:** Question 128, the Hon. J J Netto.

1685 **Hon. J J Netto:** Mr Speaker, can the Minister for Health say if there are any outstanding works pending in the community arising from a report by the OT Department of the GHA; and, if so, provide a short description, the date of the request, the cost involved per report and how many of these emanate from (a) Government flats; (b) co-ownership flats; and (c) private sector properties?

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

1690 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I would like to point out, if I may, that Question 155 is very similar, and in fact the answers are very similar indeed, but I am happy to take them separately.

1695 In answer to this Question, Mr Speaker, 128 – 122 requests for works were submitted since 1st May 2012: 22 alterations at Albert Risso House, of which 20 were bath-to-shower conversions; other Government estates, 61, showers; other Government estates, six, external works; other Government estates, 33, other works.

As the record stood on 9th February, there were 52 cases pending from 1st May 2012. These are purely on Government housing, as it does not cover co-ownership properties, private properties or former Government housing stock.

1700 The works pending can be broken down as 40 level-access showers; two external works projects; 10 other works – rails, fixtures etc. However, these are classified according to the major alteration, so that, in practice, level-access showers may also include other ancillary works.

Some of the works requested may have been commenced and may no longer feature as pending in the Building Works Agency.

1705 Mr Speaker, as I said, although the responses will be similar, there will be a time lapse between a request leaving the OT Department and perhaps being registered in the Housing Works Agency, and there may be a time lapse too between works being completed and the report going back to the occupational therapist. Therefore, it is highly unlikely that both reports will be absolutely identical.

1710 We are working on possibly making this something based electronically, which would update immediately, but at this point in time there will be great similarities, but the figures may vary because of the time lapse between one and the other.

**Hon. J J Netto:** I am grateful for that information, but given the overall amount of detail there, I was wondering whether the Hon. Minister would be gracious enough perhaps to provide me with a copy of his stated answer.



1715 In the meantime, however, what I do not think he has answered... One of the component parts of my question was as to cost per report. Have I missed it out, or...?

**Hon. Dr J E Cortes:** Mr Speaker, I do apologise.

1720 I should have pointed out that the Occupational Therapy Department does clearly not keep records of the costs, but that element is, in fact, answered as an average cost in response to Question 155. I should have pointed it out, but that information is here and will be given in Question 155, which is aimed at Housing, and which my colleague has asked me to respond to because of the similarity between the two, but obviously the costs...

1725 The OT Department reports the works but does not go any further, so would not be aware of the costs. That is provided in the answer to Question 155 as an average.

**Hon. J J Netto:** I am grateful, Mr Speaker. If he would just do me the honour of providing me with a copy.

1730 **Hon. Dr J E Cortes:** Mr Speaker, does he want this now?

### Alzheimer's and Dementia register Status

1735 **Clerk:** Question 129, the Hon. J J Netto.

1740 **Hon. J J Netto:** Mr Speaker, can the Government say if the Alzheimer's and Dementia Register, alluded to in answer to Written Question No. 115/2012, is now complete; and, if so, provide the total number of sufferers as of today, and of those how many have an acute, medium or mild form and how many are living in the community, Mount Alvernia, the KGV Hospital, or in the various wards inside St Bernard's Hospital, specifying the respective wards?

1745 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1750 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the preamble to this answer, with your indulgence: let me explain that this Register is the one as kept by the consultant physician with responsibility for geriatric care. At the Health Authority we do work closely, obviously, with the Care Agency but this is the Health Authority's Register and, clearly, there may be some differences as a result of where the database emanates from.

Mr Speaker, the Alzheimer's and Dementia Register, with the proviso I have mentioned, is now complete, with 321 persons on it, as at 9th February.

1755 Due to the nature of the Register, the information is constantly changing and can only be considered approximately 90% - 95% accurate at best, I would add, at any given time. Information requested is on the table that I now hand to the hon. Member.

Answer to Question No. 129

	No. of Patients	Scale
<b>Elderly Care Agency</b>		
Jewish Home	5	Mod/Severe
John Cochrane Ward	28	Mod/Severe
Calpe Ward	12	Mod/Severe
ECA Floor 1	22	Mod/Severe
ECA Floor 2	31	Mod/Severe
ECA Floor 3	21	Mod/Severe
ECA Floor 4	9	Mod/Severe
<b>St Bernard's Hospital</b>		
Victoria Ward	9	Mod/Severe
Capt Murchison Ward	12	Mod/Severe
<b>KGV Hospital</b>	13	Mod/Severe
<b>Dr Giraldi Home</b>	1	Mod/Severe
<b>Community</b>	56	Mild
	7	Mild/Moderate
	33	Moderate
	8	Mod/Severe
	54	Severe
<b>TOTAL</b>	<b>321</b>	

1760 **Mr Speaker:** I think this is a convenient moment to have a short recess of ten minutes.

*The House adjourned at 11.15 a.m. and resumed its sitting at 11.25 a.m.*

**HOUSING AND THE ELDERLY**

1765

**Allocation of rental homes since 31 December 2012  
Numbers of rooms**

**Clerk:** Question 147, the Hon. E J Reyes.

1770

**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide detailed information, in terms of room composition, showing how many rental homes have been allocated since the 31st December 2012?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1775

**Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, 17 flats have been allocated since 31st December 2012 as follows: 1 – 1RKB; 6 – 2RKB; 7 – 3RKB; and 3 – 4RKB.

1780

**Repairs to rental homes allocated in 2013  
Estimated works completion dates**

1785

**Clerk:** Question 148, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide details as to how many of the rental homes allocated so far in 2013 still require repairs to be undertaken, indicating how many will be repaired by:

1790

- (a) the Housing Works Agency;
- (b) sub-contractors;
- (c) the new tenants themselves,

together with estimated works completion dates?

1795

**Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services, on behalf of the Hon. the Minister for Housing and the Elderly.

1800

**Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, none.

1805

**Decanting from rental homes since Question 42/2013  
Reasons and dates**

**Clerk:** Question 149, the Hon. E J Reyes.

1810

**Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question No. 42/2013, indicating the reasons why the dates when said decanting became necessary and the dates when these tenants were able to return to their homes?

1815

**Clerk:** Answer the Hon. the Minister for Traffic, Health and Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

**Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, none.

1820

1825

**Repairs to rental homes allocated in 2012  
Estimated works completion dates**

**Clerk:** Question 150, the Hon. E J Reyes.

1830

**Hon. E J Reyes:** Yes, Mr Speaker, further to the answer to Question No. 43/2013, can the Minister for Housing provide details of how many of the 288 applicants who were allocated a home during the year 2012 are still waiting for repairs to be completed, stating if these works are to be undertaken by the Housing Works Agency or by sub-contractors, together with the corresponding estimated completion dates.

1835

**Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1840

**Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, none.

1845

**Hon. E J Reyes:** Mr Speaker, I am a bit baffled by that answer because my understanding from clinics that I have held is that there are some housing applicants who were allocated a home some months ago and are still waiting to be able to move in because they claim that the Housing Works Agency still seems to have a bit of a backlog and, therefore, the house is still not fully fit for that purpose. So can the Minister double check that is his answer, is still there at zero and therefore there are no works pending in that respect.

1850

**Hon. P J Balban:** Mr Speaker, the hon. Member has asked me how many allocated flats... how many flats have been allocated and I would like to point out that 'allocation' means that, once the tenant signs the tenancy agreement and takes the key, that is when allocation takes place. Therefore, no works are pending as all the 288 tenants have signed the tenancy agreement and taken the keys.

1855

**Hon. E J Reyes:** That, Mr Speaker, is not really consistent with what we discussed about in Question 43. If I recall correctly there, the Minister was saying at the time that a key was allocated but he could not actually say when the tenant was moving in because there were works pending to be carried out and so on and I am... I do not know if I have chosen the wrong words, or worded it wrongly and so on. I am trying to verify now here, you know, how many people have been allocated a home therefore you know that this particular flat – number such of such a block, within such a Government rental estate, is allocated to a person but that person has still not moved in and, in some cases, may even still be occupying another Government flat, which the Housing Department will only receive once a tenant moves in.

1860

I hope the Minister understands what it is I am trying to get at. You know there are  $x$  number of people who have a home assigned to them but have not been able to move in because of pending works. Have we any indication of how many of those... What is the figure in that respect?

1865

**Hon. P J Balban:** Mr Speaker, the term 'assigned' is different to the word 'allocated'. A person can be assigned a home and works are needed before the allocation takes place. The question he is asking is how many flats were 'allocated', hence the reply none, Mr Speaker.

1870

**Hon. E J Reyes:** Mr Speaker, I apologise, then, that I chose the word 'allocated' or 'assigned'. Would the Minister happen to have available information of how many flats have been assigned but not yet allocated, or whatever the nomenclature is that I am supposed to be using.

1875

**Hon. P J Balban:** Mr Speaker, I do not, unfortunately. If the Gentleman would like to table this question in the next sitting of Parliament, I would be happy to provide him with the information requested.

1880

**Mr Speaker:** Since the next sitting of Parliament will not be until May, perhaps the hon. Member would like to pursue the matter outside the House.

1885

**Hon. D A Feetham:** Mr Speaker, is the Hon. Minister – so that I understand – is the Hon. Minister drawing the distinction in allocation between allocation, as in handing somebody the keys so that person can move in and allocation, as in writing to that person, saying this is your flat but you will be given the keys in the future, or for whatever reason some works that need to be done? Is that the distinction that he is drawing and, for the benefit of my hon. Friend, Mr Reyes, how is he supposed to refer to it because, quite frankly, 'allocation' is an allocation in any normal view of the English language. Allocation is when

the Government says 'this is your flat', not necessarily when the key is actually handed to somebody after works have been done.

1890 **Hon. P J Balban:** Mr Speaker, that is exactly... what the hon. Gentleman is saying is exactly what it is.

The term 'allocation' is when the key is handed over so, if the hon. Gentlemen wants to find out how many houses are in need of repair, he needs to say 'assigned', as opposed to allocated. Allocated is when the keys are handed over.

1895

**Hon. E J Reyes:** Therefore, Mr Speaker, if I were to ring up the Gibraltar Sports and Leisure Authority today and wish to book the tennis courts, what word should I use. Should I ask for an assignment or an allocation of a tennis court?

1900

**Hon. D A Feetham:** Sorry, Mr Speaker, because it is certainly news to us and, as the hon. Gentlemen opposite are very keen to point out during the course of other exchanges across the floor of this House, we were in Government for sixteen years and because we were in Government for sixteen years we certainly know what the policy was – and the policy was allocation is when you actually tell somebody this is your flat, not necessarily when you give them the key. So is he saying that, in future, when my hon. Friend, Mr Reyes, basically, talks of an assignment, assignment is 'this is your flat', allocation is 'these are the keys', so that we are certain for the future, yes?

1905

**Hon. P J Balban:** Yes, Mr Speaker, that is correct.

1910

**Hon. J J Netto:** Can I just say, because I did serve as Housing Minister for a few years – and I appreciate that the Hon. Minister is only acting on behalf of Mr Bruzon – but I can assure him that he should not deduce by the fact that someone signs a tenancy agreement and the keys have been allocated to that particular flat that the flat in question may, or may not, have outstanding work to be carried out.

1915

There are circumstances – and this happened from the year dot, the AACR Government, the GSLP, ourselves – where a house has been identified to a particular applicant on the list, the tenant in question is generally satisfied with the particular flat that has been allocated, signs a tenancy agreement but on an understanding that there is an agreement between the Housing Department and the applicant who has now been allocated a flat, where they realise either by a different number of options, there are some outstanding works to be carried out. Either because the option may be that the tenants say well look, to do all this work requires so much material, which costs so much money: do not worry, I have got certain expertise as a person, I am a former carpenter or bricklayer or whatever and I can do it myself. That is perfectly acceptable and has always been the case, or even that there are some partial works that need to be done, not necessarily to all the flat but part of the flat and it is done by whoever needs to do it, whether the Electricity Department, the Housing Agency today or somebody else.

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1925

I think what I am trying to point out is that we should not necessarily get stuck with terminology when the facts, as we know them, is that when a house has been allocated and a tenancy agreement has been signed, there may be cases, and there are cases, where outstanding works need to be done and, within that bracket, I think the question that my hon. Friend asked is perfectly legitimate, in the sense of saying how many of those houses which have been allocated, still require work to be done?

1930

**Hon. P J Balban:** Mr Speaker, as the hon. Gentleman asked... He was specifically talking about the 288 applicants in question, and the information that I have received from the Department is that those 288 applicants agreed, they took their keys, and they were allocated said flats.

1935

There may be situations, as the hon. Member mentions, whereby a person who has expertise or wants to do it themselves may accept a flat that requires a minor amount of work, but at that point the allocation is made on that basis, and that person goes in with the understanding that that person is responsible for doing the repairs himself, or herself.

1940

**Hon. E J Reyes:** Yes, Mr Speaker, but in a previous answer – the one referring to the 288 – I was led to believe, at the time, that those 288 had been issued with a key, but were not necessarily already living there. In fact, I think Minister Bruzon even went to the extent of saying they were being granted a lead-in period of rent-free tenancy, if he wants to call it that, so that a time would allow the individual to carry out repairs.

1945

Does the Minister have any information, perhaps, of how many have been allocated, because they already have a key but are not necessarily paying rent because there was a period of *x* weeks, or whatever, if they had undertaken to carry out the repairs themselves? Is he aware of the existence of any number of those?

1950 **Hon. P J Balban:** Mr Speaker, unfortunately I am not aware of any of those situations.

**Bow Wave House lift breakdowns  
Omission of information from Question No. 44/2013**

1955 **Clerk:** Question 151, the Hon. E J Reyes.

1960 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing explain why, in the answer to Question No. 44/2013 no information is listed in respect of the two lifts at Bow Wave House, Mid-Harbours Estate, both of which were broken down from sometime on Friday, 22nd December 2012 to sometime during the course of Saturday, 23rd December 2012?

1965 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1970 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the lifts at Bow Wave House were not included in Question No. 44/2013 simply because both lifts were fully operational when inspected by both OTIS and Ministry for Housing duty officer on the dates stated by the hon. Member.

1975 **Hon. E J Reyes:** Mr Speaker, my Question No. 44 had asked for the lift that had broken down and how long it took to be repaired. In fact, my friend, the Hon. Peter Caruana, had to come to a bit of a rescue, clarifying, because in some cases it was stated that it only took 11 or 13 minutes to repair, and we clarified was that the time from the technician arriving on site, or was it from the time that the report was lodged.

But I am assured by tenants of Bow Wave House that the lift broke down on Friday, the 22nd, and they actually logged a report. Therefore, that should appear somewhere on the list, Mr Speaker.

1980 **Hon. P J Balban:** Mr Speaker, the Ministry for Housing also have reports that the lift was broken down. The duty officer from the Ministry for Housing received the reports on 22nd December 2012. He attended Bow Wave House and determined that both lifts were fully operational. No further reports were received by the duty officer during the ensuing week.

1985 **Hon. E J Reyes:** It seems, Mr Speaker, that we do [*inaudible*] to have a phantom technician who comes and repairs lifts [*inaudible*]. Is that the case, or does the Minister have some sort of explanation of how both lifts that were broken down during the course of the evening of the 22nd suddenly and mysteriously seem to have been functioning?

1990 **Hon. P J Balban:** Mr Speaker, there may be other reasons why lifts... For example, there could be reports of a lift that has broken down, and when the actual technicians go there on site it might be something... It could be a false report. There are other reasons why this could be the case. When they actually went there... For example, it could have been that one of the doors had been jammed by something obstructing the door on one of the floors, for example, so when they got there, if that obstruction had been removed, or maybe someone was perhaps tampering with the lift... Again, I have no idea for what reason, but the truth is that, although the Ministry for Housing received those reports, OTIS and the Ministry, the technicians went on site and they realised that the lifts were fully operational, which does seem odd because there was a report of them being broken, but these things happen, I suppose.

2000

**Lifts servicing Government rental homes  
Details of repairs**

2005 **Clerk:** Question 152, the Hon. E J Reyes.

2010 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all repairs undertaken to lifts servicing Government rental homes, since the reply to Question No. 44/2013, showing the following information: (a) location of lift requiring repairs; (b) date and time when the lift breakdown report was first lodged; and (c) date and time when the lift was duly repaired and, therefore, fully functional?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

2015

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information he requests.

**ANSWER TO QUESTION 152**

LOCATION	DATE & TIME REPORT FIRST LODGED	DATE & TIME REPAIRS COMPLETED
ROSS HOUSE	08.01.13 16:37	08.01.13 18:08
ROYAL OAK HOUSE	08.01.13 16:34	08.01.13 20:15
REFERENDUM HOUSE	09.01.13 00:22	09.01.13 01:28
GEORGE JEGER HOUSE	10.01.13 11:40	10.01.13 19:28
BISHOP CANILLA	10.01.13 14:25	10.01.13 15:35
REFERENDUM HOUSE	10.01.13 15:49	10.01.13 17:47
GOVERNORS MEADOW	10.01.13 14:21	10.01.13 17:49
BOW WAVE HOUSE	13.01.13 14:27	13.01.13 16:28
PENNY HOUSE	16.01.13 09:54	16.01.13 12:24
IRONSIDE HOUSE	19.01.13 17:30	19.01.13 18:25
ALBERT RISSO	19.01.13 19:30	19.01.13 20:30
KINGSWAY HOUSE	19.01.13 16:15	19.01.13 17:01
REPULSE HOUSE	19.01.13 17:00	19.01.13 18:21
PENNY HOUSE	19.01.13 15:30	19.01.13 16:17
SEA WAVE HOUSE	23.01.13 19:30	23.01.13 21:29
ROYAL SOVEREIGN	24.01.13 20:45	24.01.13 21:29
VALIANT HOUSE	31.01.13 10:05	31.01.13 17:51
REFERENDUM HOUSE	31.01.13 18:00	31.01.13 20:21
PENNY HOUSE	04.02.13 11:28	04.02.13 14:24
BARHAM HOUSE	07.02.13 10:41	07.02.13 14:05

**Mr Speaker:** Does the hon. Member have any supplementary arising from the schedule?

**Hon. E J Reyes:** Mr Speaker, please bear with me just one second. I want to check something here. Thank you, Mr Speaker. That suffices for now.

2020

**Surveys on Government flats  
Asbestos**

2025 **Clerk:** Question 153, the Hon. J J Netto.

2030 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state how many housing surveys have been carried out in Government flats since Question No. 546/2012; and of those, how many have been found to have asbestos therein, how many have been required to have the asbestos removed, and how many surveys are still required to be made in order to determine the state of all Government flats?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

2035 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, there have been 33 surveys carried out since Question No. 546/2012. Asbestos-based materials were found in 31 surveys, and all will be replaced with non-asbestos materials.

2040 Surveys are conducted as and when a flat becomes vacant or the tenant makes a report. I am unable to provide numbers as to how many surveys are still to be carried out in order to determine the state of all Government flats.

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

2045 I think I have missed some of the information out. I think I understood, since the last question, that there are 33 surveys that have been carried out – was that correct? – and of that figure, 33, the hon. Member did mention the ones that require the asbestos to be removed, but I think I have missed the figure there.

**A Member:** Thirty-one.

2050 **Hon. P J Balban:** Mr Speaker, I said that there have been 33 surveys that have been carried out since the last question, and in fact asbestos-based materials were found in 31 of these surveys.

2055 **Hon. J J Netto:** Mr Speaker, can I ask just perhaps one final supplementary question, because I understood the Hon. Minister to say that he is not in a position to determine how many surveys still require to be carried out.

What I am trying to think is presumably the officials in the Department of Housing in the City Hall would know, by their own records, the total number of properties that they have within the Government housing stock, and presumably within that register they know how many they have covered so far and how many still require to be covered.

2060 I am just quite surprised that perhaps the Minister has not been briefed properly in the sense of saying, ‘Well, look, we have done x number of total surveys on the total number of properties in the Government housing stock,’ and once you deduct that from the total you have whatever is the figure, which is really something I would have thought would have been quite easily available.

2065 Perhaps he could enlighten us as to why this figure is not available. Is it a technical issue, for some particular reason?

**Hon. P J Balban:** Mr Speaker, I will not be able to enlighten the gentleman, because I do not know the reply to the answer.

2070 I would presume – I will ask when I get back to the office – that they know the total amount of houses that we have in the stock, and I would presume that they have records as to how many they have done so far, but again, it is my presumption and I will find out, if the gentleman so wishes to write.

2075 **Hon. J J Netto:** It is a known fact. Not only is it a known fact as to what is the total number of properties in the Government stock by the officials of the Housing Department, it is also a fact that even the Treasury Department has to account for the number of properties that the Government has as well. It is not just them.

2080 So, given that both the officials in the Housing Department and the Treasury know – but forget the Treasury for the time being, because it is neither here or there for the sake of our questions here – the official should know from their register in the Housing Department how many they have done. I would have thought it was quite a simple...

**Hon. P J Balban:** Perhaps, yes, how many have been inspected, but what they would not be able to do... Because it is not a legal requirement to inspect flats internally for asbestos, and this only happens when someone moves, when the flat becomes vacant...

2085

As I said, I will find out whether there is any more information. If the gentleman would like to write to me with that particular question, I will endeavour to find the reply for him.

**Hon. J J Netto:** With respect, it is not for me to write a letter when I have already provided the question. What I am trying to find out is from part of one of the components of the question.

2090

**Mr Speaker:** From the *Hansard*, obviously. If the Minister does not have the information here with him, he has to try to obtain it. The production of the *Hansard* should be a means of reminding him that that information is outstanding.

2095

Next Question.

#### Government flats

2100

#### Requests for shower units by elderly persons

**Clerk:** Question 154, the Hon. J J Netto.

2105

**Hon. J J Netto:** Mr Speaker, can the Minister for Housing provide an updated list of elderly persons living in Government flats awaiting the installation of a shower unit, showing the date on which they made such a request, if any?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services, on behalf of the Hon. the Minister for Housing and the Elderly.

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**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, there are a total of nine elderly persons awaiting the installation of a shower unit. The dates on which the requests were made are as follows: 4th December 2012, 7th December 2012, 8th January 2013, 15th January 2013, 21st January 2013, two on 23rd January 2013, 25th January 2013, and 11th February 2013.

#### OT Department report

2120

#### Works pending in Government flats

**Clerk:** Question 155, the Hon. J J Netto.

2125

**Hon. J J Netto:** Mr Speaker, can the Minister for Housing say if there are any works pending in a Government flat arising from a report by the OT Department of the GHA; and, if so, provide the date of the request and a short description and the cost of the works, if any?

I take into account that this question may have been wholly or mostly already answered by the Minister for Health, so I do not know whether he will add anything to what his colleague has already stated before.

2130

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services, on behalf of the Hon. the Minister for Housing and the Elderly.

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**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, my colleague, the Hon. Minister Cortes, will reply to this question.

2140

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, with your indulgence, I am replying in view of the synergy and the similarity of the questions, having discussed it with my hon. Colleague.

There are at present 43 works pending in Government flats arising from a report by the OT Department of the GHA since 1st May 2012 and, Mr Speaker, I will copy this and facilitate it as per the previous Question.

The works pending can be broken down as 31 level access showers, 2 external works projects, 10 other works – rails, fixtures etc. The average cost of the OT request is approximately £4,500 but depends



2145 on the specialist works requested. Out of the 122 requests received from the GHA OT Department, the following have been completed – 22 alterations at Albert Risso House, of which all 22 are complete, other Government Estates 61 level access showers, of which 30 are complete, Other Government Estates 6 external works of which 4 are complete, Other Government Estates 33 other works of which 23 are complete: a total of 79 works are completed.

2150 **Hon. J J Netto:** Mr Speaker, I am grateful for the information.  
Perhaps one small supplementary is that I do recall some time in Glacis Estate, I think in the first block there, a particular lady, she was almost blind – not completely blind but almost blind – and there was quite a number of works that needed to be carried out in order to make the house safe for her, both inside the house and there were some works outside the house. So I would be grateful if the Hon. Minister for Health, if he can actually go back to the OT Department officials because I am quite sure that the official there will know the details of this particular lady. I cannot remember her name right now but I will probably be able to recall it once I go outside the Chamber and perhaps make a few phone calls.

2155  
2160 It is just that I am particularly concerned with this lady, if the works have not yet been done. If the works are done, obviously she will be in a much safer environment.

**Hon. Dr J E Cortes:** Mr Speaker, if the hon. Member will give me the name later, then I will check what the requests were and consult with the other Department also, to see whether it has been carried out and will certainly give a response.

2165

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

##### **Europort Avenue/Reclamation Road/Queensway junction Cost of new traffic light system**

2170

**Clerk:** Question 156, the Hon. D J Bossino.

2175 **Hon. D J Bossino:** Can the Minister for Traffic provide details of the cost of the setting up of the new traffic light system at the Europort Avenue, Reclamation Road and Queensway Junction?

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

2180 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the cost of setting up the new traffic light system at the Europort Avenue, Reclamation Road and Queensway Junction amounts to a total of £140,242.36.

**Hon. D J Bossino:** Mr Speaker, who was awarded the contracts for those works?

2185 **Hon. P J Balban:** Mr Speaker, is the gentleman referring to the works as in the traffic lights, or the actual works to the infrastructural works to the road itself, the highway.

2190 **Hon. D J Bossino:** I did not split it up in my own mind, Mr Speaker. If he has an answer in respect of each of those component parts, I would be grateful if he could provide it.

**Hon. P J Balban:** Mr Speaker, as to the setting up of the system in terms of the infrastructure of the road, the contractor selected was AMCO and was selected using the three quote tendering system.

2195 As to the commissioning... as to the lights, this was carried out by the GEA, so we are responsible – Technical Services – for the highways, the infrastructure which set things up, but the lights are actually, they come under the auspices of the GEA.

**Hon. D J Bossino:** Is the Minister able to provide me with a breakdown?

2200 **Hon. P J Balban:** Mr Speaker, the design and procurement of equipment and new traffic light heads, posts etc amount to £73,636.84 and the works for the new infrastructure amounts to £49,457.52. Then further on, the commissioning and laying of the new cables by GEA was £17,148.00 and this includes the cost of the UK consultant.

2205 **Hon. D J Bossino:** What was the extent of the advice received from the UK consultant? Is he able to provide me with that information and why he was contracted for this particular purpose?

2210 **Hon. P J Balban:** Mr Speaker, the consultant is the person or persons who are responsible for designing the traffic light system itself. It is quite a technically advanced intelligence system of lighting which needs a substantial amount of programming, so the consultant is involved in actually the programming of the system for it to work as we have seen it working and, which I think, from comments I have had, it is working tremendously well. Then, on the point of commissioning, the consultant will come over to make sure everything is working properly, it is fit for purpose and it does what it is meant to do. At that point, it is then handed to the GEA.

2215 **Mr Speaker:** Next Question.

2220 **Photo card driving licence machines**  
**Fees charged**

**Mr Speaker:** Question 157, the Hon. D J Bossino.

2225 **Hon. D J Bossino:** Can the Minister for Traffic provide details of what fees are charged to the Government for housing the machines which produce the new photo card driving licence inside the Rock?

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

2230 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the cost of housing the laser engravers in a secure environment is £495 a quarter.

2235 **Hon. D J Bossino:** Mr Speaker, can the Minister advise this House why it was seen fit to house this machine in this particular facility?

2240 **Hon. P J Balban:** Mr Speaker, the actual use of this location was something which was deemed necessary because not only do the machines require to work in a certain environment, a dust free environment, there is also the issue of not so much the machines but the cards being in a very, very secure environment because these cards are blank cards, they are provided by the DVLA in England, they are all numerically accounted for and, obviously, these cards should not be kept outside of the place or somewhere... This is a very secure environment, where there is no possibility of these cards being lost or so forth. So it was essential that they were kept in such an environment.

2245 **Hon. D J Bossino:** Mr Speaker, I am grateful for that reply.  
Given that it was seen fit to have these machines in a particular secure environment for the reasons which have been elucidated now by the Hon. the Minister, as I understand it the vault is inside the Rock whilst the Licensing Department is by Eastern Beach so does the Department have a protocol in place in order to ensure that that security is maintained in order for the goods, if you like, to travel from one place to the other.

2250 **Hon. P J Balban:** Mr Speaker, the goods do not travel from one place to another.  
The goods or the cards, so to speak, are there within the vault with the laser engravers so there is no moving around of these cards. The cards are brought... Delivered to Gibraltar securely, they are delivered to the place where they are, within the vault, and the staff members who are trained to be able to operate these machines are the ones that access the vault, pick up the cards, do what they have to do on the machines and then, once they are ready, they are brought out and then given to the persons applying for them.

2260 **Hon. D J Bossino:** Is the Minister – if I can take it from that answer – is the Minister advising this House that the security concerns are less severe once a card is available to the person who has requested it? So, in other words – are the security concerns relevant only when the card is delivered to the vault but, once it is issued, the security concerns are less? Is that the case and therefore there is no requirement to have a protocol in place to deal with the delivery of those once issued cards outside of the vault and then delivered to the person to whom it has been issued?

2265 **Chief Minister (Hon. F R Picardo):** If I may just assist, Mr Speaker. This is an issue which touches personal status, which I am responsible for.

2270 The hon. Member may not be aware – I certainly only became aware when I became Chief Minister – that the practice has been, for many years, that we do not keep our stock of blank passports very close to the machine that can print those passports because, of course, a blank passport, like a blank identity card, could be used for nefarious purposes by somebody who wishes to use it for criminal activity. Therefore, what you have here is a situation where you have an obligation to have... because of the particular characteristics of the machinery; this machine is in a particularly secure place. Because that place is so secure, you can also have the blank cards available there. The security concern is about the *blanks*. There has to be a lot of security around blank passports and a lot of security around blank cards.

2275 Once those cards are printed with the details of an individual who has applied through the appropriate Government system, then you have, if it were to be lost, a lost card of an individual – either lost by the individual or lost by the system – much less useful to those who might want to use that material for criminal purposes. So the requirement for security when the cards are coming out of the system, although it is obviously important, is not as great as the security of the blanks and I think the hon. Gentleman sees the analogy that I am drawing with passports. He will understand what the issue is.

2285 **Hon. D J Bossino:** Yes, which is what I offered, I think, in my question as the possible explanation for the lack of a protocol in terms of the... to cover the delivery process, if you like.

Can I ask the Minister, Mr Speaker, who the contract in terms of the housing of these machines has been awarded to?

**Hon P J Balban:** Mr Speaker, the vaults are run by Continent 8.

2290 **Hon. D J Bossino:** And is there a duration for that contract?

**Hon. P J Balban:** Mr Speaker, this will be an ongoing contract. It will be essential to keep it in this location so it is a running contract as long as the machines are there – which they will be. As far as I am aware, there is no termination date to this contract, not that I am aware of.

2295 Mr Speaker, but as I said, if the gentleman would give me notice, I will find out the exact details of the agreements if that is necessary.

**Hon. D J Bossino:** Mr Speaker, did this particular allocation go to tender?

2300 **Hon. Chief Minister:** No, Mr Speaker, for a particular reason because there are security concerns about how these things are stored and, therefore, going out to tender would have illustrated what those security concerns were.

2305 He may know, Mr Speaker, if not, certainly his previous Leader was very aware of it, as I am, that this particular location was a location controlled previously by the Ministry of Defence which, when it became surplus to Defence requirements in the understanding of, I think, the previous Administration and the current Administration of what ‘surplus to Defence requirements’ meant, decided not to hand back the property to the Government of Gibraltar, that might have had such uses for it itself, but to lease it directly to a commercial party. That commercial party I think has then sold its business and Continent 8 is the successor in title. The position of the land has been regularised and the head lessor is now the Government of Gibraltar in the usual way, not the Ministry of Defence.

2310

**Theatre Royal underground car park  
Number of parking spaces**

2315

**Clerk:** Question 158, the Hon. D J Bossino:

2320 **Hon. D J Bossino:** Can the Minister for Traffic provide details of how many parking spaces will be available at the Theatre Royal underground car park?

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

2325 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, it is estimated that a total of 90 parking spaces will be available in the new car park.

**Hon. D J Bossino:** Mr Speaker, the press reports on the subject revealed that there were going to be 94 spaces: the Minister has now confirmed to this House that it is, in fact, 90. The distribution which was set out in the article, in terms of those parking spaces, was 50 to provide facilities for the car parking

2330 facilities which are currently provided by the hotel – the Elliott Hotel – and the balance remaining for public use was going to be 44. Can the Minister give me an indication of what the distribution is in fact?

**Hon. P J Balban:** Mr Speaker, not accurately. I would not be able to give him the exact figures.

2335 As far as I am aware at the moment, there are a total of 36 spaces on Governor's Parade and the Elliott Hotel actually occupies 17 spaces. As far as I am aware, there has not been a final decision, or there has not been an agreement with the hotel, for any other purpose at all at the moment, so this is as far as I can say at the moment.

2340 **Hon. D J Bossino:** I am not sure I have understood the answer, Mr Speaker.

At the moment the Government has not made a decision as to what it is going to do with the parking spaces currently allocated to the hotel: is that a correct analysis of his reply?

2345 **Hon. P J Balban:** Mr Speaker, as far as I am aware, there have not been any agreements made in that respect.

2350 **Hon. D J Bossino:** Given – as I understand it, Mr Speaker – the Government's plans to convert all the area from just above the parking space all the way through to the Church of Scotland to convert it into – I mean, we had different plans to the ones which I think the Government has which is to convert it into some sort of garden facility etc etc – part of that, an integral part of that project will have to be the removal of the cars currently provided by the hotel and slightly beyond by the Church of Scotland. Presumably, the Government has plans as to what it is going to do with those cars currently parked there and, if he does have plans, can he reveal them to this House?

2355 **Hon. P J Balban:** Mr Speaker, although I am responsible for technical services and a great amount of the parking, this project in particular does not fall under *my* remit, hence I would not like to give any more information than I am actually aware of. So if the hon. Gentleman would like to, I do not know whether – (*Interjection*) Pardon?

2360 **Hon. D J Bossino:** Write to you.

**Hon. P J Balban:** – write to me, yes, with more specifics and I will be able to get this information from the relevant Departments. We are not responsible for this project within Technical Services.

2365 **Hon. D J Bossino:** Mr Speaker, may I ask which is the relevant Department?

2370 **Hon. P J Balban:** Mr Speaker, this project will continue to be run by the offices of the Chief Minister, as it was in the past. Remember, this is not a project started in this term of office but in the previous Administration so, obviously, it was run by No. 6 then and it continues being run by their office, as we speak.

**Hon. D J Bossino:** Mr Speaker, I see that the Chief Minister is back in the Chamber. Maybe he could give us some information in relation to the points that I have raised. I do not know if he was listening in.

2375 **Chief Minister (Hon. F R Picardo):** Delighted to if the hon. Member wants to raise it. I did not hear what he said.

**Hon. D J Bossino:** Basically, Mr Speaker, if I can recap for the Hon. Chief Minister's benefit ...

2380 **Mr Speaker:** Yes.

2385 **Hon. D J Bossino:** At the moment there are – this is in relation, Mr Speaker, to the Theatre Royal multi-storey car park, which is going to provide, we have now learned, 90 parking spaces. I have asked what plans are in relation to those spaces. Will they be accommodating the cars which are currently parked in the area of the Elliott Hotel and closer by to the Church of Scotland, whether these 90 parking spaces will accommodate those cars and if that is part of the Government's plan? If so, Mr Speaker, how many?

2390 **Hon. Chief Minister:** Mr Speaker, I do not know what answer the hon. Gentleman has got from the Minister of Traffic because I was out, as he said, but I think he has got the answer about the 17 spaces that the hotel has a right to. As I understand it, the 36 places at Governor's Parade are being relocated but those are public and now the issue is what happens with the rest of the spaces. There are – I am not

2395 entirely sited on this issue – but I think there are already some agreements, when the work started, about parking spaces. In other words, people who are very directly affected by the works, who are adjacent to the works, *may* – and I want to preface that with ‘may’ – either have agreements or have sought agreements in respect of parking spaces. Then there is the Government’s policy, which is contrary to the policy that we saw by the previous Administration, in relation to the Willis’s Road car park, which is that we will want to enable people to have the opportunity who live in the area to be the first to apply for parking spaces in that multi-storey car park, in the context – and we say multi-storey, I think it is, literally, two storeys, I am not sure that it is more, maybe one with two levels – in the context of the fact that there is very close by, in Engineer Car Park also, a redevelopment which is producing a real multi-storey car park.

2400 So all those things are tied up. I do not know that I can give him an exact number of how many parking spaces are being allocated in any particular way at this time. Some of the issues that he will see, are relevant in the next Question, which deals with this matter – I think it is 160 – will also raise some issues as to what is happening on top of that area. I do not want to pre... I think [*inaudible*] Mr Figueras. I do not want to sort of give away what we are going to say in answer to that Question, but there have been some changes proposed by the people who had an interest in what was going to be on the top, which we will come to in a moment.

2410 **Hon. D J Bossino:** Mr Speaker, is the Chief Minister or the Minister for Traffic able, and I am asking this question because it has been raised to me by people who have approached me, whether it is envisaged as a result of the... once the Theatre Royal Car Park is opened, whether a consequence of that will be parking restrictions in the area?

2415 **Hon. Chief Minister:** Mr Speaker, I think there is a traffic plan element to that, so decisions have not yet been made but, certainly, there will be a consequence. For example, where you could park 36 cars before, you will not be able to park 36 cars, not because of any parking restriction but because of the extension of the scheme so the piazza scheme will extend to the door of what we might colloquially call the Scottish Cathedral, Right! *La iglesia escosesa* down Main Street. So that change will happen.

2420 Will there be other traffic consequences in the area of the roads around? There may be: that is another matter but it is not a matter that has come for decision as a result of the parking itself.

**Mr Speaker:** Next Question.

2425

**Sustainable Traffic, Transport and Parking Plan  
Cost of Mott Macdonald consultancy**

2430 **Clerk:** Question 159, the Hon. D J Bossino.

2435 **Hon. D J Bossino:** Can the Minister for Traffic advise the House what the cost will be of the contract provided by the Government to Mott Macdonald Limited in relation to the consultancy service that the company will provide in connection with the Sustainable Traffic, Transport and Parking Plan.

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

2440 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the tender for the provision of consultancy services in relation to the Sustainable Traffic, Transport and Parking Plan has been awarded to Mott Macdonald Limited in the sum of £274,604.39.

2445 **Hon. D J Bossino:** Mr Speaker, in fact I need to concede as well that information is on the Government website and the only difference is, I think, a difference of 1p. (*Interjection*) Now, the official notice which appeared in the *Gibraltar Gazette* in connection with the award notice, describes the nature and extent of services provided as follows and it says “Highways Design and Consultancy Services”.

2450 Can the Minister kindly provide me with further particulars of that. What does that, in fact, encompass and I raise this in the context of questions that I have asked in this Chamber previously, where he did say he was going to enlist the support of outside help in relation to the user and trip survey. I imagine that would fall under the head of consultancy services. But given that it is also now extended to highways design, I was just very interested to learn from the Minister whether he can give me further particulars as to what Mott Macdonald will be expected to do.

2455 **Hon. P J Balban:** Mr Speaker, in general terms, the consultant will carry out a study and assessment of the current situation with regard to traffic, transport, parking and accessibility. A traffic and transport model will be created and the consultants will identify a series of initiatives, developed and based on UK guidelines and also other international best practice, where appropriate. Measures will be tested in accordance with UK guidelines and through the model necessary. A sustainable traffic, transport and parking plan will be prepared that sets out how Gibraltar can develop a sustainable traffic, transport and parking system for the next number of years.

2460 In response, again, to what the gentleman was saying, there will be things which will be considered, for example infrastructural changes, so just as the previous Administration decided they were going to embark on the Trafalgar Interchange, there will be other things that we, as a Government, will decide upon recommendations. Because of the consultancy we had with the public and other parties and technical advice we received within the Department, there are ideas we have for similar systems, but not the same, in other areas which have traffic hot spots in Gibraltar. These plans will then be passed on to the consultants, who will then look and see whether they can be adapted in any way or they can be, you know, this basic, initial plans, can be modified to increase traffic flow or pedestrian access etc. So these are the people who will be advising on us on whether ideas need any further development or not.

2470 **Hon. D J Bossino:** Mr Speaker, could the Minister advise this House as to why this could not have been kept local? I think it is a fair point to make, that when his party was in opposition they made a big point, a big issue, certainly in relation to the health service, that we locally knew what problems we had here and we could sort it out ourselves without spending huge amounts of money on outside help.

2475 I am not necessarily saying that is wrong but can I ask the Minister why he thinks, in relation to something as basic as traffic, we cannot do this ourselves in Gibraltar, especially, Mr Speaker, just to finalise, having regard to the fact that already close to £275,000 has been spent on this matter.

2480 **Hon. P J Balban:** Mr Speaker, I disagree with the hon. Gentleman, that he says something 'as basic as traffic'. I mean traffic is nothing short of complex. In fact, in Gibraltar we do not have, we looked at what, obviously this tender went out, the expertise required which is, you know, this is a specialism of engineering. A traffic engineer is not something basic where you can learn reading an idiot's guide or whatever, it is something which is pretty complex and it is a speciality of engineering itself. There are people who are called highway engineers who specialise their whole life to this. Now, unfortunately, we do not have this experience in Gibraltar and hence we have had to outsource it.

2485 **Hon. D J Bossino:** Mr Speaker, the Minister seems to be saying we do not have highway engineers in Gibraltar who can provide this facility?

2490 **Hon. P J Balban:** Mr Speaker, I am not aware that we have any highways engineers in Gibraltar. We have had, we have within our Department someone who was a highways engineer for a long period of time, he was within the Department, he is a highways engineer, so he is the only person qualified that I am aware of at the moment. The other highways engineer, who is working with us at the moment, is a gentleman that was appointed by yourselves, the previous Administration, and he has been acting in that capacity for quite a time now.

**Mr Speaker:** Any other questions?

2500 **Clerk:** Question 160.

**Hon. D J Bossino:** Mr Speaker, I have been asking questions in this House in relation to this issue now for more than a year and I must say I am finding it difficult to fit all the pieces of the jigsaw together.

2505 He has said in this House before that there is a public consultation exercise, which he says is ongoing and he has also made references in this House in the past to the data which has been collected as a result of carrying out that public consultation exercise. Is he able now to share that information with me?

2510 **Hon. P J Balban:** Mr Speaker, the hon. Gentleman has himself admitted that he is finding it difficult to get all the jigsaw puzzle together, which just shows that traffic is not as basic as he initially set out to believe.

All this information, all this data that has been collected to date, and will continue to be collected from now on, will remain as part of the Traffic Plan database. It is not something which we, at this moment in time, are prepared to share with Members across the floor. This is data appertaining to the Traffic Plan, which is ongoing works, and hence it will remain as such.

2515 **Hon. S M Figueras:** Can the Minister say whether the contractor has been given a deadline by which time they need to prepare and submit the report to *[inaudible]*?

2520 **Hon. P J Balban:** Mr Speaker, yes, I am not aware as to the *exact* timeframe. I would not like for anyone to say... hold me to it but, if I am not mistaken, I believe it is between twelve and thirteen months. But, again, this is what my understanding is – but, obviously, we need to do this, it is our manifesto commitment and we need to get this going. It is not something which, the Traffic Plan is something which takes many years, it is not something which you can hope to do within one term of office but our commitment is to have our own Traffic Plan, which is what we have embarked to do and obviously we want to see as many of these changes obviously before this term of office is over. So we have... the timeframes. I do believe is *[inaudible]*, by which time we will be implementing some of the recommendations made as a result of it.

2530 **Hon. D J Bossino:** Mr Speaker, just to pick him up on the last point he has made. Surely he does recognize, does he not, that he is electorally committed to produce a Traffic Plan within this term of office?

**Hon. P J Balban:** Mr Speaker, yes we are.

2535 **Mr Speaker:** I am being very liberal. I do not think the Traffic Plan, with all due respect, arises from Question 159 and we are on Question 160.

**Hon. D J Bossino:** No, Question 159... Mr Speaker, we are still on 159.

2540 **Hon. D A Feetham:** We are still on the supplementaries of 159.

**Mr Speaker:** I have not got –

2545 **Hon. D J Bossino:** It is completely relevant to the Traffic Plan, given that Mott Macdonald Limited *[inaudible]*.

**Mr Speaker:** Right, right, and you asked –

2550 **Hon. D J Bossino:** 160: the questioner of 160 is my hon. and learned friend, Mr Figueras. *(Interjections)*

**Mr Speaker:** How does the Traffic Plan arise from that? *[Inaudible]*

**Hon. P J Balban:** Mr Speaker, if I may continue with that?

2555 **Mr Speaker:** Yes.

**Hon. P J Balban:** We are, Mr Speaker, committed to have a Traffic Plan. The Traffic Plan is a plan, it tells us where we intend to go from then on.

2560 To think that to implement all the recommendations of the Traffic Plan, I mean it would be ridiculous to even think that we will be able to do this in the period. We are talking of infrastructural changes, modifications to our highways and there are numerous things that need to be done, that need to be budgeted for. The Traffic Plan is something which, I have said in the past, is something fluid. As to this, we hope our traffic will be in the future... the Traffic Plan will be done within out term of Office. We will have our Traffic Plan, just as the previous Administration had their Traffic Plan, which is those brochures that you handed out that explained what your idea of the Traffic Plan would be.

2565 This is what we are committed to, having our Traffic Plan. But if what the hon. Member is suggesting is that we are going to have every single infrastructural roundabout in place and lights system in what is left of this term of office, I think he has got something else coming.

2570 **Hon. S M Figueras:** In the intervening period between the contract being awarded and the report being submitted and the plan eventually being finalized, can the Minister say whether the Government is possessed of initiatives or ideas in the traffic context that they will be deploying during that time, to deal with problem areas known to the Government today?

2575 **Hon. P J Balban:** Mr Speaker, of course, by all means. We are doing it as we speak. We are... things which we can improve logically, now we have the advice of the consultants. We did not have that prior to

2580 their appointment and we have been progressing as we thought best, as the previous Administration did in their days. Now that we have this person who we have taken on: in future, we will be running things by this expert to see whether this is the way forward or not but, of course, we are looking at many things. In fact, we will be giving priority to certain aspects within the Traffic Plan, which we feel require urgent attention and we do not really want them to continue much longer.

So, yes, in respect of the question, yes.

2585 **Hon. S M Figueras:** Can the Minister say, and I am going to touch on a matter we dealt with a while ago as an example, can the Minister say whether, for example, the traffic light changes at the junction of Queensway and Europort were as a result of advice received, or as an initiative by the Government before the advice was taken on?

2590 **Hon. P J Balban:** Mr Speaker, this had nothing to do with the consultants whatsoever.

**Hon. D J Bossino:** Just to understand, in relation to his penultimate question, Mr Speaker, is the Minister telling us this morning that, in fact, the consultant is already providing advice to the Government?

2595 **Hon. P J Balban:** Mr Speaker, it is extremely early days. We have just engaged the consultant and all that is happening at the moment has been technical talks with the relevant Government Departments. It is really a getting-to-know-each-other type exercise. Now we will be progressing in earnest in the Traffic Plan. I think there have been two meetings to date and really it is to get orientation and familiarisation meetings and now everything is expected to get going from this point onwards.

2600

**Hon. D J Bossino:** Mr Speaker, is he able to provide me – presumably not – but is he able to provide me with a breakdown of the costs of this contract?

2605 **Hon. P J Balban:** Mr Speaker, I would not be able to at the moment as I do not have that information with me.

**Mr Speaker:** Question 160.

2610

**Governor's Parade Car Park  
Details of contract awarded to Wilkie Limited**

2615 **Clerk:** Question 160, the Hon. S M Figueras.

2620 **Hon. S M Figueras:** Can the Minister for Traffic provide details to this House of the project contemplated by entry number 52 on the Government's statistics table G.C.1, Government awarded contracts over £2,000 by direct allocation since the General Election, with reference 'Governor's Parade Car Park' paid to Wilkie Limited on 23rd July 2012 to the tune of £3,018,606.23 (currently reduced to £2,981,764.00)?

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

2625 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, this project consists of the construction of a two-storey car park in the area previously occupied by the Theatre Royal.

2630 It will connect City Mill Lane with Governor's Parade via the piazza on its upper deck. The contract to Messrs. Wilkie Limited for the demolition and excavation works, the enabling package, was awarded before the General Election by the previous Administration by direct allocation, although sums due under that agreement have been paid thereafter.

2635 Included as part of that initial arrangement was an option to extend the scope of works to include the construction of the car park. In order to keep the entirety of the project liability with one entity, Government exercised that option and extended the scope of works to include the construction of the car park. The treatment of the piazza is, however, not part of this contract and is currently being reviewed by Government. The parking project is due for completion in October 2013.

**Hon. S M Figueras:** I am grateful to the Minister for the answer.



2640 In relation to the piazza, and in the light of further information that he has given me that the parking will be completed by October this year, is this a matter where we can expect an announcement relatively soon in respect of the contract for the piazza and the works being conducted in that specific context?

2645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise to deal with that aspect which does not deal with traffic and which is a matter that is being dealt with by my office in dealing with this particular project. First of all, may I record on *Hansard* the hon. Gentleman's congratulations to the Minister a moment ago from a sedentary position on the initiative at Europort Avenue. (*Interjection*) He always said, Mr Speaker, that when he felt that the Government had got things right he would congratulate us and I am grateful for him having come through, or started to come through, as I am sure the Government will get many things right in the coming months.

2650 Mr Speaker, there is no piazza at the moment. There is actually still, to an extent, a hole in the ground and therefore there is design work going on inside Government in relation to the piazza. I alluded earlier to the fact that there had been some changes there. The change relates to the use of part of that piazza by the Church. I do not know if there is a particular way that I should refer to the Church in this House but I think it is just the Church, the Roman Catholic Church, that was going to exchange with the Government the Catholic Community Centre, as it is known on Zoca Flank for a building at the piazza. We have been  
2655 approached by representatives of the Church who no longer wish to move from Zoca Flank to the new piazza and the Government is considering that with those representatives and may, therefore, produce a revised scheme that does not include a provision for a community centre. We are in discussions with those representatives about what happens in relation to the existing community centre which, I think, at the very least, we would all agree is looking tired. So those are the issues that affect the development of  
2660 the piazza.

**Hon. D J Bossino:** Mr Speaker, can he also confirm and if I could just quote the article which dealt with this matter in the *Gibraltar Chronicle*, which says

2665 'originally this area was intended to be a promenade and now the area will boast gardens and landscape areas'.

Is that also being looked at, or has a definite decision been made in relation to that?

2670 **Hon. Chief Minister:** No, Mr Speaker, that is what the design work is doing, looking at. Given that there is now going to be more space, you can have all of those married in that area. In other words, if you have got much more space and you have not got a building, in effect, taking up part of the area, can you redistribute the space so that you have got some gardens, you have got some greenery alongside a promenade, because it is in the centre of town and people will need to walk through the area? It is not a  
2675 place that can simply be a garden: it is also an area that requires a thoroughfare, a pedestrian thoroughfare through it. That is the design work that is ongoing.

2680 **Waterport Power Station**  
**Legal noise level**

**Clerk:** Question 161, the Hon. J J Netto.

2685 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say if the noise emanating from the recent temporary generators installed at Waterport Power Station exceeds the level acceptable as per the law?

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

2690 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the noise levels emanating from the turbines recorded at a distance from one metre are less than 75 dB(A) and therefore below the lower exposure levels of 80 dB(A) stipulated under the Control of Noise at Work Regulations 2006.

2695 **Hon. J J Netto:** So, if I understood the Hon. Minister correctly, the noise level, the recorded noise level, is 75 dB(A)?

**Mr Speaker:** Yes.

2700 **Hon. P J Balban:** Mr Speaker, yes: at a one metre distance from the turbines the recorded noise level is 75 dB(A), which is lower than the exposure levels of 80dB(A) which are those stipulated under the Control of Noise at Work Regulations 2006.

2705 **Hon. J J Netto:** Mr Speaker, I accept the fact that the Minister for Health and Safety may be looking through the perspective of the Control of Noise at Work Regulation Act 2006, which is the tool obviously that the Factory Inspector would utilise but, if I am correct, in relation to the other set of regulations which I mentioned before when I was answering questions to the Minister for the Environment and Health, my understanding is that, under the Environmental Assessment and Management of Noise Regulation 2006, that whenever you have, under Schedule 1, a total combustion installation with a greater thermal input exceeding 50 Mw that then the issue becomes part of all the various measures that need to be looked under.

2710 So if this is producing 75 dB(A), which is more than the 50 dB(A) under Schedule 1 of the Environmental Assessment and Management Plan, presumably then all the requisitions in terms of health assessment, both to the immediate workers in Waterport Power Station and, presumably, the workers in the adjacent areas, as I said before, which may be in AquaGib, may be affected by this. So what I would need to know, if my assessment is correct and if so, what are the measures the Government is taking to attenuate such levels?

2720 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, may I offer some...

**Chief Minister (Hon. F R Picardo):** May I simply step in to say, Mr Speaker, is the hon. Gentleman asking about the turbines that have been installed recently?

2725 **Hon. J J Netto:** Well, in this particular question, yes, it refers to –

**Hon. Chief Minister:** If he will just give way for the purposes of clarity, so that he understands, and the House understands, what the position is. Those turbines are not at Waterport Power Station. They are at the extreme western end, north-western end, of the Western Arm of the North Mole: they are not there. (Interjection) They are only temporary engines – before he carries on with his question, so he understands – the only temporary engines that are in the area of Waterport Power Station and AquaGib are the ones that were there before the Election, which are what we have referred to in this House before as the ‘Skid generators’, not the new turbines.

I hope that helps him to...

2735 **Hon. J J Netto:** It does indeed, Mr Speaker, and I am grateful for that clarification by the Chief Minister.

My geography of the place now is not that good, but could, perhaps, any of the Ministers, or the Chief Minister, indicate what is the distance, then, where these new generators are placed in relation to Waterport Power Station.

2740 **Hon. Chief Minister:** Well, Mr Speaker, I would say it is probably, an estimation, of between 250 and 500 metres. This is literally behind the Port Office. So the Port Office is in one place, the Waterport Power Station is in another and it is not a public place in the sense that, although tourists have access to the area, fishermen have access to the area and people who work on the Western Arm have access to the area, there is now, he will know, a security post and therefore the general public do not have access to the area through the thoroughfare, although they can get a bit closer on the road known as Emerson’s Place, which would take them to the entrance of, I think, the extreme western access is to the entrance of the GHA kitchen and some of the commercial units there. But you have got to be working in that area to have access to it. So, in terms of Waterport Power Station, we are talking about a quarter or half a kilometre.

2750 **Hon. Dr J E Cortes:** Mr Speaker, may I offer some more information?

**Mr Speaker:** Yes.

2755 **Hon. Dr J E Cortes:** My information is that this temporary power station, as operating, does not exceed the 50 Mw thermal output and therefore those regulations would probably not apply but, not having had notice, I would have to check the detail.

2760 **Hon. J J Netto:** I accept entirely, Mr Speaker, what the Hon. the Minister for the Environment is saying but I think we need to understand, as well, that within a very close proximity of the area we have different industrial activities taking place, all producing levels of noise. We have these new generators

2765 which the Chief Minister kindly located where they are, we have noise emanating from there, we have noise emanating from Waterport Power Station, we have noise emanating from the desalination plant of AquaGib when that is in function: I think, when one combines all the various noise levels from all these various industrial activities taking place, then one needs to determine – particularly the Government needs to determine – whether (a) there has been any proper mapping of the noise levels in the whole area. If so, I would like to know what are the details of such and –

2770 **Mr Speaker:** The hon. Member, I think, is getting way beyond the ambit of the specific question. Really, I do not see how he can expect the information to be made available arising from this particular question.

2775 You have a specific question. It has been answered. Clarification has been made in respect of whether it is at Waterport or at the Western Arm and he is widening the ambit of the thing far beyond what is relevant.

**Hon. Chief Minister:** Mr Speaker, a point of information to assist the House and perhaps assist the hon. Member in case he wants to put further questions next time.

2780 I believe – I stand to be corrected and I will check – but I believe the desalination plant is not operating anymore, in any event. I think it was decommissioned some time ago in favour of the reverse osmosis plants that are operated by AquaGib in another location but I am happy for him to put questions in the future.

2785 **Hon. Dr J E Cortes:** Mr Speaker, if I may, by way of further information, the greatest amount of noise produced is by Waterport Power Station and this temporary plant at the far end of the North Mole, particularly when the silencers have arrived in the next, I am told, five or so weeks, will be producing much less noise at the Waterport Power Station. It may be that, on certain occasions – and this is certainly the intention – some of the generators, including the temporary generators at Waterport, might, in fact, be able to be switched off for periods of time because these will be providing the necessary power. So the overall noise effect will certainly be down, even during this temporary measure.

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#### **Factory Inspectors Review of planning applications**

2795

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

2800 **Hon. J J Netto.** Mr Speaker, can the Minister for Health & Safety say if it is the policy of the Government to ensure that the Factories Inspectors review every Building Application received and, if so, please provide the number and name of all applications viewed during 2012 or in January 2013, broken down by month.

2805 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, it is part of the duties of the Factories Inspectors to review Building Applications to ensure compliance with the Factories Act.

2810 Lack of resources in the past has meant that it has not been possible to carry this out. A concerted effort has now been made, as from the beginning of the year, with the support of the additional staff complement, and a total of 21 Building Applications were reviewed during the month of January 2013. No applications were reviewed in 2012.

2815

#### **Seconded Health and Safety Officers Prohibition or Improvement Notices issued**

**Clerk:** Question 163, the Hon. J J Netto.

2820 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety say if any of the two seconded Health and Safety Officers with the Factories Inspectors have issued any Prohibition or Improvement Notices during 2012 and January 2013 and, if so, provide the number and name of the company or

2825 companies or the department or departments in respect of which the Notice or Notices have been issued, and broken down by month?

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

2830 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in this schedule, which I now hand over to him. As stated unequivocally on numerous occasions in Parliament, it is not this Government's policy to name companies or departments in relation to either Improvement Notices or Prohibition Notices.

**ANSWER TO QUESTION 163**

Improvement Notices Date	No.
July 2012	5
August 2012	11
September 2012	2
October 2012	16
November 2012	11
Jan-13	1

**46**

Prohibition Notices Date	No.
May 2012	1
June 2012	1
July 2012	1
September 2012	1

**4**

2835

**Secondment of Health and Safety Officer  
Legal basis**

2840 **Clerk:** Question 164, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state what legal form has the secondment of the two Health and Safety Officers from the Housing Agency to the Factory Inspectorate taken?

2845

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

2850 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, any public servant can be seconded or deployed to any section or area within the public service and this is what happened initially. The position was then advertised openly to all GDC employees and the two seconded Health and Safety Officers were successful.

2855 **Hon. J J Netto:** Mr Speaker, of course civil servants can be transferred from one Government Department to the other but, in relation to the two Health and Safety Officers, is the Minister now saying that new vacancies have arisen as Factories Inspectors within the Government service and for which these two gentleman, amongst many others, have applied and now been appointed as Factories Inspectors. Is that the position?

2860 **Hon. P J Balban:** Mr Speaker, yes, vacancies were advertised by the GDC.

**Hon. J J Netto:** Mr Speaker, can I have clarification – I think I understood the hon. Gentleman to say by the Gibraltar Development Corporation.

2865 **Hon. P J Balban:** Mr Speaker, yes, this came out via the Gibraltar Development Corporation as Health and Safety Inspector, Grade 4.

**Hon. J J Netto:** I cannot quite understand the logic of that because we are talking about two vacancies in the - which are Civil Service and should have been within the Government establishment figures of civil servants, not within the figures of the Gibraltar Development Corporation.

2870

This is why I am trying to find clarification, or is it that the Minister is saying that no internal vacancies were initiated within the Government service and automatically they went to the Gibraltar Development Corporation, so that any member of the public in Gibraltar could have applied. I think I need some clarification and, perhaps, if he is willing to provide it, I would be grateful.

2875

**Hon. P J Balban:** Mr Speaker, we, as the hon. Gentleman knows, have doubled the complement in terms of Health and Safety Inspectors and we do not see the need why we had to increase the Civil Service, the numbers of members of staff in the Civil Service. We chose to do it via GDC.

2880

**Hon. J J Netto:** Well, one would have thought, Mr Speaker – I mean, the Government can decide to do what the Government wish to do – but one would have thought and we are talking about Factories Inspectors who have very definite powers under the law and they have to be appointed under the Factories Act and have to be appointed by the Director. One would have thought that certain key posts such as that would have been civil servants and not members of the Gibraltar Development Corporation.

2885

I understand the answer the Minister has given me, that the Government has decided, unilaterally, I suppose, to advertise this as non-civil servant so, therefore, my question is: has the Minister or the Government had meetings with the Unions, in order to tell them that we are going to create these two new posts but they are not going to be civil servants.

2890

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman needs to understand what he is saying.

The Government has a manifesto commitment to respect the manning level of the Civil Service, not to increase it, and we committed ourselves to increase the number of Factories Inspectors. We have done so without increasing the complement of the Civil Service. That is the manner in which we have fulfilled both of those commitments.

2895

We have not reduced the complement of the Civil Service. We have not taken away those Inspectors who were there before in the complement of the Service. We have increased the number of Factories Inspectors. This is an issue that the hon. Gentleman sometimes takes up with the Government; he says it is not true, Mr Speaker. He needs to be a bit more careful, we actually have not taken him up on it because we are so busy delivering a positive agenda that we do not need to waste time demonstrating when the hon. Gentleman is saying things which are incorrect. But if he looks through the Legal Notices, he will see that more Factories Inspectors have been appointed and, therefore, there are double the number that were there before.

2900

What is it that he is saying, that somebody who has got to discharge a statutory obligation and has a statutory power cannot have that statutory power conferred on him by legal notice unless he is a member of the Civil Service? Mr Speaker, that is nonsense, I am sorry to tell him, because there have been, for some time, since the explosion in the GDC, members of the GDC who have discharged statutory obligations and have had statutory powers delegated to them in order to enable them to discharge that public office with which they are charged.

2905

Now, if he says to me I would rather you had done it by way, Chief Minister, of increasing the complement of the Civil Service and have the Unions accepted that you have increased the complement of the Civil Service, I would take the first point but I would tell him that he will know that did not happen when he was in office and, secondly, Mr Speaker, I would say to him that the Unions are very happy that we are not reducing the complement of the Civil Service, we are maintaining that as per our manifesto commitment *and* delivering on our other commitments which, in particular, are important to them in respect of Factories Inspectors and all of those issues.

2910

2915

But he really needs to think carefully about these issues that he puts in questions in this way.

2920

**Hon. J J Netto:** Mr Speaker, if I can perhaps try and clarify a couple of the issues that the Chief Minister has said. Are we talking about two civil servants who, prior to now being Factories Inspectors, were working as civil servants in the Housing Agency, have now been transferred or have been transferred for a while now with a Factory Inspector, have succeeded in the interviews as has been advertised through the Gibraltar Development Corporation and presumably retained their position as civil servants? Because, presumably, if they were civil servants working in the Housing Agency, they are not now non-civil servants as GDC members?

2925

**Hon. Chief Minister:** Mr Speaker, I will assume that the hon. Gentleman does not realise the consequence of what he is saying.

2930 Look, when he was in Government, the Hon. the then Chief Minister provided an opportunity for people who were civil servants in the place known colloquially as *el patio chico*, right, to leave the Civil Service and become employees of the Housing Works Agency. There was a very attractive package put to people in a very contentious moment in Industrial Relations so that they would make that choice. That choice required them to leave the Civil Service.

2935 The hon. Gentleman has postulated his question saying ‘Civil servants who moved to the Housing Works Agency who when they move back to do this work in the GDC and are seconded to the service remain civil servants?’ No. I am not going to be ungenerous but I think the hon. Gentleman should have realized – I will not put it any further than that – that at the moment when these individuals took the package to become part of the Housing Works Agency, they surrendered their Civil Service status. Some of them took a package that took them completely out of the public service: they actually retired early. Others took a pay rise that took them into the Housing Works Agency. They are not, then, any more civil servants, they are public servants because they are in an Agency, but they are not civil servants and the hon. Gentleman knows, as much as I do, that we have had lengthy exchanges in this House as to what that means but, certainly, a civil servant has a definition and these individuals are no longer civil servants.

2940 So you have people who have gone to the Housing Works Agency who then wish to have this vacancy, take this vacancy and are seconded to do this job with the Civil Service. It does not make them civil servants again. It does not. Absent the moment in late 2011, when the Hon. the then Chief Minister, on another aspect of what he was doing then, which was the package for GDC members who went into the Civil Service as a result of that negotiation, you cannot get in to the Civil Service other than by going through the PSC. He can forgive me for saying that that was dealt with through the PSC but not through the usual procedure, which is that somebody applies, interview process, etc. etc. So people are not going to be able to come back into the Civil Service, having gone to the Housing Works Agency, because they applied for a GDC vacancy.

2945 If he sees it in *that* way, Mr Speaker, then perhaps he can understand that he should not be characterising so ungenerously what the Government has done to ensure that we have doubled the number of Factories Inspectors.

2955 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide the date on which the vacancies were advertised, the date of the interviews and the date of appointment?

2960 **Hon. P J Balban:** Mr Speaker, as per the sheet I am reading here, the applications were to be received no later than 1 pm on Monday, 22nd October 2012 – and the other information he will have to give notice of, as I do not have that with me.

2965 **Hon. J J Netto:** As I understand it, the notice or part notice that the Hon. Minister has read is that people should have applied by not later than 1st October 2012. Is that what he is saying?

**Hon. P J Balban:** I said the 22nd – applications must be received by no later than 1 pm on Monday, 22nd October and this was issued on 10th October.

2970 **Hon. J J Netto:** Okay. So, presumably, if the applications had to be received by not later than 22nd October 2012, prior to the notice having been given, prior to the date of the interviews, and prior to the date of appointment, the status of those two Health and Safety Officers remained as Health and Safety Officers and not Factories Inspectors: is that correct?

2975 **Hon. P J Balban:** Mr Speaker, I believe, if I am not mistaken, that the hon. Gentleman is referring to the difference between a Factories Inspector and a Health and Safety Inspector. (**Hon. J J Netto:** I am only using the words he has used in the past that are in Hansard.)

Could you repeat the question?

2980 **Hon. J J Netto:** Mr Speaker, all I am trying to do is to establish the dates in which this particular interview, which we now know people had to apply by 22nd October. I then wanted to know the date that the interviews took place and the date of appointment. I now understand and accept that he may not be in a position to be able to say the interview happened on such and such a date and the appointment was on such and such a date. I accept that because he may not have the information in front of him. But, what I was trying to establish is that, whether it happened towards the end of October 2012 or it happened during the course of November 2012, what was the status of those two individuals because these two individuals, as answered by yourself before, and as recorded in *Hansard*, were not Factories Inspectors, they were Health and Safety Officers. So what was their status right up to the date of the appointment?

2990 **Hon. P J Balban:** Mr Speaker, if the gentleman will give me notice, I will find out exactly what they were then. The job title for this particular post was Health and Safety Inspector, Grade 4.

2995 **Hon. J J Netto:** With respect, it is not a question of giving notice, Mr Speaker, it is a very important issue, in the sense that he has given me information in answer to Question 163, for which he has told us in this table formulation here that, in July, these two individuals, they issued two Improvement Notices, in August they issued... Sorry, I beg your pardon, on July 2012 they issued five Improvement Notices, in August 2012 they issued 11 Improvement Notices, in October 16 Improvement Notices and, as far as Prohibition Notices, in May there was one, in June there was one, in July there was one and September one.

3000 I am trying to establish whether these two individuals had the legal standing, in accordance with the Factories Act, to have been able to issue these, taking into account that the date for the interview as Factories Inspectors was something towards the end of October or November.

3005 **Hon. P J Balban:** Mr Speaker, regardless of what we choose to name them, or call them, or choice of nomenclature, these... I can guarantee the hon. Member that these two persons were legally fit to be able to do the work that they were doing. These people were properly appointed.

**Hon. J J Netto:** By whom and when?

3010 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to understand that the Government is sometimes saying we will give you the information, just give us notice and we will provide it.

**Mr Speaker:** I think it would be convenient now to have a recess until three o'clock this afternoon. If the Minister is able, between now and three o'clock, to provide the information then I will ask him to do so. If not, it is a matter to be pursued further.  
The House will now recess until 3 pm this afternoon.

*The House adjourned at 1.00 p.m. and resumed its sitting at 3.00 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 9.15 p.m.

Gibraltar, Friday, 22nd February 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

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

## Questions for Oral Answer

### TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

5

#### Secondment of Health & Safety Officers Legal basis Question No. 164/2013 continued

10

**Mr Speaker:** Now, I think we are on supplementaries to Question No. 164. Is the Hon. Minister in a position to provide the information which...? Thank you.

15

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I have managed to get some of the information the hon. Member requested through lunch. The letter of appointment was with effect as from 1st November 2012, that is when they... the appointment officially began. As I said previously to that, the vacancy for the job closed at 1.00 p.m. on Monday, 22nd October.

20

I am not entirely sure as yet when the interview was carried out. So if the hon. Gentleman requests an exact date for that, I will have to look for it, but obviously it happened after the closure of said vacancy on the 22nd, before 1st November.



**Hon. J J Netto:** I am grateful to the Hon. Minister for providing that extra bit of information.

Can I ask, this letter of appointment, for which he has now given us a date which is 1st November 2012, by whom was it signed – this letter of appointment?

25 **Hon. P J Balban:** Mr Speaker, yes, the letter of appointment was signed by D Chipolina, I presume is Denise Chipolina, who is a secretary of the Gibraltar Development Corporation.

30 **Hon. J J Netto:** I am still somewhat confused in terms of my original question, which is what I was trying to establish before, because first of all, under the Factories Act, if we go and look at section 77(1) under the title of ‘Appointment of inspectors or other officers’, it says:

‘The Director may appoint such inspectors or other officers as may be considered necessary (under whichever title he may from time to time determine) for the purpose of this Act.’

35 Subsection (2) says:

40 ‘Every inspector shall be furnished with a certificate of his appointment, and when visiting a factory or place to which any of the provisions of this Act apply shall, if so required, produce such a certificate to the occupier or other person holding a responsible position of management at the factory.’

Now, the lady that the Hon. Minister has just said, Mrs Chipolina, is not the Director for the provisions of this Act, so that in one respect, I need clarification of that.

45 But in second respect, given that now we know that the letter of appointment is from 1st November 2012 and given that in the previous question, which is Question No. 163, which is information that he provided to me in relation to Improvement Notices and Prohibition Notices, which are enforcement of notices under the Factories Act, there have been enforcement notices issued by these particular gentlemen which at the time which they have been doing the notices have not been appointed by the director under the Factories Act, whether these notices carried the weight of the law or did not. And this is what I am trying to establish by the hon. Gentleman.

50 **Hon. P J Balban:** Mr Speaker, in the letter of appointment, they were actually employed... they came under the Gibraltar Development Corporation. They became employees of the Gibraltar Development Corporation, but that does not mean that they were not legally able to carry out the functions that they did. In fact, they were able to do as they had been gazetted prior to that, so they were fully... It was perfectly legal, what they did. *(Interjection)* April, it was actually from 13th April 2012 they were gazetted.

60 **Hon. D A Feetham:** Mr Speaker, is the Hon. the Minister saying that the director has appointed, irrespective of the letters from Denise Chipolina, presumably because these individuals are members of the GDC – irrespective of that – is the Hon. the Minister saying that the director appointed in accordance with section 77, that appointment by the director was gazetted in the, in the *Gazette* and therefore the appointment was valid? Is that what he was saying?

65 **Hon. P J Balban:** Mr Speaker, that is correct. Dated 13th April 2012, these persons were conferred... By section 71(1) of the Factories Act, they were appointed as factories inspectors, as from 16th April 2012.

**Mr Speaker:** Any other question?

70 **Clerk:** Question –

**Hon. J J Netto:** May I ask. Well two things actually: whether a copy can be provided to me in relation to the appointment on the date of 13th April, so I can have a look at it.

75 Secondly, Mr Speaker, what I have come to notice is that when looking at this particular issue within the Factories Act, I have noticed that in the interpretation clauses ‘Minister’ means the Minister charged with responsibility for employment. Now, I know that the Minister for Employment sits next to the Hon. Minister Balban, but whether the Act has been amended to show that it is not the Minister for Employment but the Minister under the title that he occupies at the moment.

80 In other words, I can understand this has been consistent, particularly so from 1996 to 2011, because every single Employment Minister under the GSD Government was also the Minister for Employment and Health & Safety. Now the Government decided, for whatever reasons, to dislodge the Health & Safety away from the portfolio of Employment. Does it mean then that this should have been amended or not?

85 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Well, Mr Speaker, I do not know the answer to that question, but I can tell him that if it should have been amended and we look into it and that is the requirement, it will happen and we will then be doing what used to be called giving retrospective legal cover, to things... where there are lots of things that have been happening in recent years, which we will have to be bringing amendments to put right. This may be one of them, but as far as I am concerned, the people happen to be physically in my Department.

90 So I do not know whether... Certainly, the appointment was not done by me but was done by the Director of Labour in April. I imagine that when inspectors have been appointed, it has not been a Minister that has signed the appointment. But if we look at it, he may be right – see if it needs to be done.

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**Gibdock lifting equipment  
Health & Safety**

100 **Clerk:** Question 165, the Hon. J J Netto

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if all the lifting equipment being used in Gibdock has been duly inspected during 2012 and January 2013, and has been seen to be safe in accordance with the Factories (Lifting Operation and Lifting Equipment) Regulations, and therefore issued with a valid test certificate?

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

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, all Gibdock lifting equipment is inspected annually by a certified lifting equipment competent person who is responsible for conducting a thorough examination and issuing a valid test certificate in accordance with the Factories (Lifting Operations and Lifting Equipment) Regulations. The Factories Inspectorate carried out an on-site inspection of the certificates in May 2012 and found all lifting equipment to hold a valid test certificate.

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**Health & Safety  
Rights of union representatives**

120 **Clerk:** Question 166, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer to Written Question No. 211/2012, can the Minister for Health and Safety state what would be sufficient for the Government to consider extending the same rights to union representatives in Gibraltar as exists in the UK in matters to do with Health & Safety?

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

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, as stated to my answer to Written Question 211/2012, at present the Government is not considering any plans to provide such rights to the union but may commit in future to consider this matter in the light of any possible long-term revision of the law.

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**Hon. J J Netto:** I take into account what the hon. Gentleman is saying, but given the fact that this only came to light as a result of the Health and Safety seminar in the John Mackintosh Hall, where he was present and I was present, and I think it was the president, if that is the title, of Mr Robinson from the IOSH branch of the UK, in which he actually stated that there was a deficit, given what he had seen in relation to the rights that trade union officials have which dedicated themselves as representatives of Health and Safety in relation to their counterparts in the UK.

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What I am trying to establish is whether now that he knows what Mr Robinson says, whether it is actually correct that that is the fact – something which obviously I did not know beforehand – and two, whether they are willing to contemplate parity of rights, if I can put it in that particular way, between local trade union representatives and the ones in the UK. I would have thought that, given that he is aware of it now, as I was aware of it when Mr Robinson said it, that perhaps that would have triggered some kind of internal discussion within the Government or within his own Department, or whether he has had

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any representations from the trade union itself. Because obviously all the other unions, not just the Unite the Union, were present at the seminar and all heard it in the same way as we have heard it. (*Interjection*)

150 So I wonder whether he has had representations from the local trade unions. I hear Mr Bossano seems to be suggesting – perhaps you want me to give way and you want to stand up and say something?

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I can ask him to give way any time I feel like asking him to give way. I do not need any prompting.

155 **Hon. J J Netto:** Given that there was some kind of sarcasm and laughing across the table, perhaps I thought you had something to contribute, but –

**Hon. J J Bossano:** Mr Speaker, I enjoy the hon. Member's contribution so much that it is reflected in my reactions. I find him very amusing.

160 **Hon. J J Netto:** Well, you know, only this morning, if the hon. Member would have been here, he would have heard the Speaker saying that we should not chat across the floor; but perhaps he was not here to determine that. (*Interjection*)

165 But given that, Mr Speaker, can I move on to the substance of my question, which is: has the hon. Gentleman, the Minister for Health & Safety, had any representation from the union as a result that this is now public knowledge in Gibraltar and whether they have put those concerns to him and the Government is willing to consider them?

170 **Hon. P J Balban:** Mr Speaker, I am pretty sure that we have spoken about this in Parliaments past and this must be recorded in *Hansard*. The truth, the fact is that the reply to the original question is what I stand by, the initial reply.

175 **Hon. J J Netto:** So the Government is not contemplating at all looking at this matter right now and is therefore not intended to bring the changes or any amendment that may be necessary in order to provide the same right locally as in the UK?

**Hon. P J Balban:** Mr Speaker, as I said in my reply, it is as stated to my answer to Written Question 211/2012, at present the Government is not considering any plans to provide such rights to the union, but may commit in future to consider this matter in the light of any possible long-term revision of the law.

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#### **Asbestos Register Completion and location**

185 **Clerk:** Question 167, the Hon. J J Netto.

190 **Hon. J J Netto:** Mr Speaker, further to the answer in Question No. 439/2012, can the Minister for Health & Safety say whether the Asbestos Register alluded to has now been completed, and state in which location the central database will be held?

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

195 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Asbestos Register has been started although it is not yet complete. Environment officers are in the process of collecting information from Government Departments, where such information is available and the central database will be held by the Department of the Environment.

200 **Hon. J J Netto:** Mr Speaker, I am grateful for the answer by the Minister. I think the Minister did mention that this process had now started. Can he perhaps provide us as to when was the date of the actual commencement, when this particular project started?

205 **Hon. P J Balban:** Mr Speaker, I am not sure when they started. The question... what I have said is it is not complete yet. I did not say it had started; obviously it is inherent in the question it has started. I would not be able to give him that reply, I am afraid.

**Hon. J J Netto:** So presumably, if he does not actually know when the actual project commenced – presumably, some time before when I asked the question – but does he also know what is the current work that is being done at the moment, as we speak?

210 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I can assist perhaps. I could not put a date as to when it started, but it is the Department of the Environment that is keeping the database and from memory, I think it is probably at least six months ago, but it is just by way of assisting. That information can obviously be obtained.

215 **Mr Speaker:** Next question.

**Clerk:** Question 168, the Hon. J J Netto.

220 **Hon. J J Netto:** Mr Speaker, can I just have a second to make a note here in relation to the answer provided by the Minister for Environment?

**Mr Speaker:** Okay.

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**Scaffolding  
Health & Safety inspections**

230 **Clerk:** Question 168, the Hon. J J Netto.

**Hon. J J Netto:** Thanks, Mr Speaker, can the Minister for Health & Safety say if all scaffolding erected in Gibraltar during 2012 and January 2013 has been inspected by the Factories Inspectors prior to commencement of work and, if not, which ones have not been inspected, providing the name of the site or sites and the name of the company or companies erecting the scaffold?

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

240 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Factories Inspectorate will carry out an inspection of the scaffolding once it is erected, at which time a certificate of completion is handed over to the main contractor and further inspections of the said scaffolding are carried out at various stages or phases of a given project.

During 2012, there were a total of 62 scaffolds erected and 12 in total for the month of January 2013.

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**Sites  
Health & Safety inspections**

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

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide details of the sites which the Factories Inspectors inspected in the month of January 2013, as shown in the Government website Table HS1, as updated on 4th February 2013 and if the two follow-ups stated therein correspond to the inspections?

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

260 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him. The two follow-ups as highlighted in the schedule correspond to the inspections.

**ANSWER TO QUESTION 169**

Date	Address
07/01/13	St. Anne's School, St. Anne's School Glacis Estate, Education.
08/01/13	T.S.1., CEPESA Petrol Station, Construction.
08/01/13	Vanadium L.T.D., Sunrise View House, Construction.
09/01/13	G.J.B.S. 1 Officer's Mess ( M.O.D. Four Corners), Construction.
11/01/13	Quayside Kiosk, Unit 1 Ocean Village Promenade, Retail Trade.
11/01/13	Diablo, Unit 13 Ocean Village, Retail Trade.
14/01/13	In Vision Design, 12/1 Buena Vista Road, Bank Finance Insurance.
14/01/13	Diamond Construction, Ocean Village Apartment, Construction.
14/01/13	Haven Insurance, 3c Ocean Village Business Centre, Bank Finance Insurance.
15/01/13	Black Black L.T.D., 3/8 Serfaty's Passage, Construction.
15/01/13	Black Black L.T.D., 3/15 Serfaty's Passage, Construction.
15/01/13	William Serfaty & Co. L.T.D., 68 Main Steet, Retail Trade.
16/01/13	Wolfback Ridge Properties L.T.D., Suite 18-20 Block 3 Watergardens, Construction.
17/01/13	C.K. Transport, 1a North Mole, Construction
17/01/13	Gib Scaffolding, Shamrock House, Construction.
17/01/13	Elderly Care Agency, St. Bernadette's, Medical & Health Services.
17/01/13	Cruz Construction, Watergardens, Construction.
17/01/13	Koala Construction, St. Bernadette's, Construction.
17/01/13	Elderly Care Agency, Mount Alvernia, Medical & Health Services.
18/01/13	Space Interiors, 9 Line Wall Road, Construction.
21/01/13	The Finance & Guarantee Co. L.T.D., 234/1 Main Street, Bank Finance Insurance.
21/01/13	Sharon Garcia, 17 Turnbull's Lane, Restaurants, Bars, etc.
23/01/13	Irish Town Holdings, 73 Irish Town, Construction.
23/01/13	Siddharth L.T.D., 5 Bell Lane, Retail Trade.
23/01/13	Wastage Products L.T.D., 68 Devil's Tower Road, Sanitary Services.
23/01/13	Casais L.T.D., 7 Kingsyard Lane, Costruction.
24/01/13	Casais, 7 Kingsyard Lane, Construction. &
24/01/13	G.J.B.S., Jew's Gate, Construction.
24/01/13	G.J.B.S., St. Michael's, Construction.
24/01/13	G.J.B.S., Baca's Passage, Construction.
28/01/13	Essardas Properties, 121 Main Street, Retail Trade.
28/01/13	Essardas Properties, 105 Main Street, Retail Trade.
28/01/13	Estate of Placido Cortes, 35-37 Irish Town, Construction.
28/01/13	Eroski, Winston Churchill Avenue, Retail Trade.
28/01/13	G.J.B.S., St. Martin's School, Construction.
28/01/13	Serco, Convent Place, Construction.
29/01/13	C.T.S.( Gib) L.T.D., 48 Royal Ocean Plaza, Post & communications.
29/01/13	A.J. Sheriff Electrical L.T.D., Unit 5 Buttercup House, Electricity Supply Related.
29/01/13	Gib Elect., Queensway, Electricity Supply Related.
29/01/13	Francis Duarte, 9/3 Lynches Lane, Retail Trade.
31/01/13	P.M.P., John Mackintosh Square, Construction.
31/01/13	Catalan Bay Social Club, Catalan Bay, Restaurants, Bar, etc.
31/01/13	Babbington Holdings, 83 Catalan Bay, Construction.
31/01/13	Bristo Madelaine, 256 Main Street, Restaurants, Bar, etc.
31/01/13	Payma, 265 Main Street, Retail Trade.

265 **Mr Speaker:** Next question.

**Asbestos particles  
Failure to carry out asbestos survey**

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

275 **Hon. J J Netto:** Mr Speaker, in relation to Table HS5 on the Government website, as updated on 31st January 2013, can the Minister for Health & Safety say if as a result of the company failing to carry out an asbestos survey in relation to the one Improvement Notice issued in January 2013, have asbestos fibre particles been released into the atmosphere?

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

280 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, in relation to Table HS5 as updated on 31st January 2013, the hon. Member should note that it was a Prohibition Notice that was issued and not an Improvement Notice, as stated by the hon. Member in his

question. It was as a consequence of the issuing of this Prohibition Notice that an asbestos survey was undertaken and no asbestos presence was identified.

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**Mr Speaker:** Any supplementary? Next question.

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## EQUALITY AND SOCIAL SERVICES

### Long-stay patients in the GHA Transfers to Mount Alvernia, John Cochrane and Calpe Wards

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**Clerk:** Question 130, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any long-stay patients in the GHA that, during 2012 and January 2013, have (a) been transferred to Mount Alvernia stating the originating ward; (b) been transferred to John Cochrane Ward stating the originating ward; (c) been transferred to Calpe Ward stating the originating ward; and (d) provide the gender, age and dates in which any such person or persons entered any of the above units?

**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 will answer this question together with Questions 131 and 132 of 2013.

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### Members of the community Transfers to Mount Alvernia, John Cochrane and Calpe Wards

**Clerk:** Question 131.

315

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any members of the community that during 2012 and January 2013, have (a) been transferred to Mount Alvernia; (b) been transferred to John Cochrane Ward; (c) been transferred to Calpe Ward; and (d) provide the gender, age and dates in which any such person or persons entered any of the above units?

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### Elderly persons Waiting for place at Mount Alvernia

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**Clerk:** Question 132.

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**Hon. J J Netto:** Mr Speaker, as at 31st January 2012, can the Minister for Social Services say how many elderly persons are presently waiting for a place at Mount Alvernia and of these how many are (a) for residential needs; (b) for medical/social needs, giving a breakdown of either mild or urgent need; (c) expressing a future need for admission; and (d) the date of application of the last person admitted to Mount Alvernia?

**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, in answer to Question 130: 10 long-stay patients in the GHA have been transferred to Mount Alvernia; 19 to John Cochrane Ward; and 22 to the Calpe Ward. I will now hand the Hon. Minister the information requested in relation to gender, age and date of admission. This information is being provided to the Opposition on a confidential basis, as the level of detail requested could lead to residents being identified.

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Answer to Question 131: 28 members of the community have been transferred to Mount Alvernia during 2012 and January 2013; none have been transferred to John Cochrane Ward or Calpe Ward. I will now hand the hon. Member the information requested in relation to gender, age and date of admission.

This information is being provided to the Opposition on a confidential basis, as the level of detail requested could lead to the residents being identified.

345 In answer to Question 132: if by asking how many elderly people are presently waiting for a place at Mount Alvernia, the hon. Gentleman means to ask how many names are on the waiting list for residential elderly care then the total is 583. If by this question, in relation to part (a) of the question, the Hon. Mr Netto means how many elderly people actually need residential care at the present time at Mount Alvernia, then the answer is 118; or if he means how many have a low dependency need or a non-urgent need for residential care at the present time, then the answer is 465.

350 In relation to part (b), which relates to medical and social needs being broken down into either mild or urgent needs, if the Hon. Mr Netto is referring to needs based on the person's level of dependency the number of people with an urgent need is 118. If the Hon. Mr Netto requires the breakdown into either mild or urgent need, based on the assessment of risk, 13 people have urgent needs and the 105 people currently in the hospital setting have mild needs, as they are currently in a controlled safe environment.

355 In relation to part (c) of the question, 465 people are expressing a future need for Mount Alvernia. This figure would include 270 people over the age of 80 years who would be deemed as having health and social care needs by virtue of their age; and 195 people who are over the age of 60 years who have put their name on the waiting list in case of future needs.

360 In relation to part (d) of the question, the date of application of the last person admitted to Mount Alvernia is 30th March 2007.

365 **Disability Action Plan**  
**Complete and incomplete aspects**

**Clerk:** Question 133, the Hon. J J Netto.

370 **Hon. J J Netto:** Mr Speaker, further to the answer to Written Question No. 195/2012, can the Minister for Social Services state what aspects of the Disability Action Plan are complete and which aspects are not.

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

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this is an ongoing process.

380 **Hon. J J Netto:** Well, Mr Speaker, that is what basically the hon. Lady said in this Parliament almost 12 or 13 months ago, that it was an ongoing project. I would have thought, being a manifesto commitment, that the ongoing project would have had quite an advancement, in terms of developing the Disability Action Plan.

385 I think, quite frankly, if the hon. Lady does not want to provide details of my question in relation to what aspect has been covered and what aspect has not been covered, it is up to her what answers she provides Parliament, but does she not feel that she is actually not providing sufficient information – I would not want to use much more stronger words than that – by just not providing any detail, no outline, nothing at all whatsoever? Surely in the period of 13 months, given that it was a manifesto commitment, she would have had a number of meetings with a number of associations and at least they would have agreed on some things. At the end of the day, we are not talking about sending people to Mars; we are talking about establishing a Disability Action Plan.

390 **Hon. Miss S J Sacramento:** Mr Speaker, as I said, this is an ongoing progress. The reason it is not complete, Mr Speaker, is because it is a massive project and in order to get it right, Mr Speaker, we have, as indeed the hon. Gentleman suggests, spoken to different stakeholder groups in relation to this. The fact that the work is not complete does not mean that nothing has been done.

395 However, Mr Speaker, the reason why this is such a massive, mammoth job is because nothing had been done prior to this Government taking the lead on this, Mr Speaker. **(Several Members: Oh!)** I understand how strongly the hon. Gentleman feels about this, but he clearly only feels very strongly about this now. Clearly it was not an issue for him when it was his responsibility and the lack of infrastructure in this regard, Mr Speaker, means that I have to start from scratch.

400 There are no complaints from the stakeholder parties in relation to the fact that it is not complete, because the general view, Mr Speaker, is that work is ongoing, the relevant parties are aware of what is being done and the general consensus is that it is being done slowly, thoroughly and with consultation and that the end product is a better product. It is not about scoring points and dealing with something and

405 finalising it in the first month, in the second month or whenever the hon. Gentleman suggests it should be ready, Mr Speaker.

It is a manifesto commitment that is not timed. It is a manifesto commitment that will be delivered in this term of Parliament, Mr Speaker, and it is certainly a manifesto commitment that will be delivered. I am just sorry to say that this was not such an emphasis for the hon. Gentleman when it was his responsibility.

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415 **Hon. J J Netto:** Mr Speaker, the hon. Lady seems to have spent 13 months telling everyone she meets that nothing existed prior to 11th December and that she has spent the last 12 or 13 months having to do everything from scratch. Well, she can rewrite history for as long as she can, but this is Question Time and I am asking questions on the basis of her manifesto commitment, not in terms of what happened before the General Election.

She has just stated right now that there are things which have been done. Well, if there are things which have just been done and in my question... My original question is 'what progress has been done?' Can she share that information with Parliament? Or does she feel that she is giving away some kind of state secret that is so secret, so important that Parliament should not be aware of what work has been done?

425 **Hon. Miss S J Sacramento:** Mr Speaker, the question does not ask what progress has been done. The question says, 'what is complete and what is not?', Mr Speaker. My answer is the truth: that it is an ongoing work.

But I can give examples of what has been done. It does not mean they are complete, but for example, by way of engaging with GHITA, for example, we have funded several training courses for level 1 of the British sign language courses and we are now embarking on funding level 2 of the British sign language courses; not only are we funding it, but we are also sending public servants on this course, so that this better helps them communicate with the public who may benefit from communicating with sign language, as well as enabling them to communicate with colleagues who may be deaf.

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435 In addition, in association to working with groups such as GHITA, we have now developed the awareness of the need for induction loop systems, for example, as we will have in the Gibraltar Parliament once it is refurbished.

Again as a result of engaging with this group, the Government engaged a British sign language interpreter on National Day. That is just an example of how ongoing consultation reflects in the work that we are doing.

440 That is not the only thing that we have done, but I will continue, Mr Speaker, if you would like me to continue giving details.

Let me explain about physical assessments that have been done to current buildings, for example – and this has been published in the press, by way of press releases. There has been an accessibility audit of St Michael's Cave, for example, which now, through the relevant team of professionals, has been audited, in order to make it accessible for people with disabilities. I am not talking only about people with mobility problems; I am talking about people who may have mobility issues as well as sensory issues, Mr Speaker. It is not just about making things wheelchair-friendly. But these are things that we learn through engaging with relevant groups.

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450 Mr Speaker, as I said initially, this is a massive piece of work, which is ongoing. That the final plan is complete, no; that it is work in progress, yes; that it may take a while before we get it complete, yes possibly, but hopefully by the time we complete it, having engaged as thoroughly as we have, we hope that we will get it right.

455 **Life Planning for Disabled Persons  
Complete and incomplete aspects**

**Clerk:** Question 134, the Hon. J J Netto.

460 **Hon. J J Netto:** Mr Speaker, further to the answer to Written Question No. 196/2012, can the Minister for Social Services say what aspects of the 'Life Planning for Disabled Persons' policy are now complete and which are not?

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

465 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, again this policy is an ongoing process.



**Hon. J J Netto:** Mr Speaker, within the process of ongoing, has anything been done in the process of the ongoing?

470 **Hon. Miss S J Sacramento:** Yes, Mr Speaker. The most fundamental thing that we had to do in order to commence this process was to compile a disability register and that is the starting point, on being able to assess the scale of the issue of people with disabilities in Gibraltar.

475 From that again, in the context of consultation, we have consulted the various user groups, individuals, as well as medical professionals. One of the fundamental cornerstones of this is consultation with the GHA in relation to medical information which is required, not only to enable to identify people's disabilities and one of the things that we were able to actually ascertain from sparse records that existed – not a disability register as such, but several sort of *ad hoc* registers in different departments – was that some people's disability were either wrongly described or wrongly diagnosed. So what we are doing is we are having a consolidated register, which is an accurate reflection of the people with disabilities in the community.

480 **Hon. J J Netto:** Mr Speaker, could I ask the hon. Lady whether the register she is now alluding to is completed?

485 **Hon. Miss S J Sacramento:** Mr Speaker, I think that it is in a very advanced form and I think I can safely say that it is almost complete.

**Hon. J J Netto:** Would the hon. Lady know how many people are registered in the register?

490 **Hon. Miss S J Sacramento:** No, Mr Speaker, and that is not a supplementary that is directly linked to the question. It is not information that I have to hand.

495 **'Looked After Children'**  
**Number absconded from Care Agency homes**

**Clerk:** Question 135, the Hon. J J Netto.

500 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any 'Looked After Children' in any of the Care Agency's residential homes who have absconded since this question was last asked in Written Question No. 106/2012; if so, whether they have absconded in Gibraltar or Spain or whether any of these children have a track record of engaging in acts of violence against any other children or staff members?

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

510 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since Question No. 106/2012 was asked in September 2012, there have been 31 incidents of absconding, all of which took place in Gibraltar.

Of the 31 incidents, two 'Looked After Children' have a track record of engaging in acts of violence against other children or staff members. One Looked After Child accounts for 20 of these incidents and another accounts for four.

515 I now hand the hon. Member the remaining information requested, which is being provided on a confidential basis.

520 **Hon. J J Netto:** Mr Speaker, I am grateful for that information, but whilst the information comes through, could I perhaps ask the hon. Lady, whether, in the opinion of the social worker or the team leader in this particular area of work, the track record of two individuals, which I think she has mentioned two who have a track record of violence... whether that is affecting in any way or a negative way all the other 'Looked After Children' who do not have a track record of violence in terms of their behaviour.

525 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot answer that because it is not information that I have before me; but in any event, Mr Speaker, as I have said *ad nauseam* in the past, I am loathe to go into particular details in relation to children in care in Parliament.

**Hon. J J Netto:** I am not asking for details.

530 **Hon. Miss S J Sacramento:** I am happy to discuss these matters with the hon. Member in private, but anything which may risk identifying the identity of a child in this Parliament, Mr Speaker, is something that I very strongly feel should be protected.

But in any event, Mr Speaker, it is not an answer that I have before me. It is not something that I anticipated in relation to the question.

535 **Hon. J J Netto:** Quite frankly, Mr Speaker, I am not asking for the details of any child at all. All I am saying, arising from an answer that she has provided, that there are two individuals who do have a track record of violence against other 'Looked After Children'. I think it is a perfectly legitimate supplementary question to ask, whether in the opinion of experts, that kind of incident – of which I do not know how long or how many times it is reflected – on other 'Looked After Children' may have a negative effect.

540 What I am basically asking is if I am now subjected to bullying by someone on a permanent basis – I am not saying that this is a correct analogy, but if I were to be submitted to bullying – it may have a negative effect on me socially, psychologically, etc. My question basically is whether she has any knowledge from her own staff which is, at the end of the day, a very delicate matter, whether this is happening; but I am not asking the hon. Lady to give me the names or whether they are boys or girls or whatever it is.

545

**Hon. D A Feetham:** Mr Speaker, may I ask the –

550

**Mr Speaker:** Let us see whether the hon. Lady will answer that supplementary.

555

**Hon. Miss S J Sacramento:** Mr Speaker, the thing is that I cannot identify in any event the children who are referred to now as having this track record – have a long track record of violence or not – but let me explain what violence actually means, by way of recording, because for recording purposes at the Children's Residential Care Service, it is a very high... it is a very low threshold of incidents which are recorded. So for example, if a Looked After child slams a door, that is recorded as violence.

So it may be that the incidents which are referred to here are that these two children may have slammed a door or may have just dropped something on the floor in a fit of anger, as any child or young adolescent would do. There is no evidence that there is any sort of vicious violence.

560

So insofar as that knowledge that I have then, I do not think that there is a particular connection from the incidents of violence to any that cannot be sort of extended to any impact on the other children, because I know that the incidents of violence are not major incidents of violence. I hope that helps to clarify the situation.

565

**Hon. J J Netto:** No, Mr Speaker, I am not asking for her opinion, because Standing Orders prohibits to ask for opinion of Members of the Government; but I am asking whether she knows whether the professionals are aware of this particular issue. Perhaps they may have even raised it to the hon. Lady, not in relation to minor incidents of violence but in relation to much more serious incidents of violence of other categories.

570

I accept obviously that if she has not got the information in front of her, she may not be able to provide me with an answer. But if that is the case, I will write to the hon. Lady and see whether there is an issue there which is of concern to the social workers or the team leader.

**Mr Speaker:** The Hon. the Leader of the Opposition. Sorry.

575

**Hon. Miss S J Sacramento:** Can I reply?

**Mr Speaker:** Sorry.

580

**Hon. Miss S J Sacramento:** Well, Mr Speaker, as I have said, I do not have the information nor have I had any concerns raised to me in this respect. I have a good rapport with the social workers. We meet on a regular basis and this is not one of the things that has been raised.

So had it been an issue, I would have expected it to have been raised and it has not.

585

**Mr Speaker:** Does the Hon. the Leader of the Opposition...

**Hon. D A Feetham:** That answers the question that I wanted to ask.

590

**‘Looked After Children’  
Number awaiting training placements**

595 **Clerk:** Question 136, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, as at 31st January 2013, can the Minister for Social Services say how many, if any, ‘Looked After Children’ in the care of the Care Agency, aged 16 or above, are awaiting a training placement and, if so, state for how long they have been in such placements – should have been actually ‘waiting for the placement’ – with which entity and which type of training is being undertaken?  
600

**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 six ‘Looked After Children’ who are 16 years and above. Two of these are in education.  
605

Of the remaining four ‘Looked After Children’, two are registered with the ETB and are actively engaged in seeking a placement. One is not registered due to actively pursuing other employment plans, which I would be willing to discuss with the Opposition on a confidential basis. One Looked After Child’s registration has lapsed, but is being supported and encouraged to re-register.  
610

**‘Looked After Children’  
Numbers in residential homes and the community**

615 **Clerk:** Question 137, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, as at 31st January 2013, can the Minister for Social Services state the total number of ‘Looked After Children’ in the care of the Care Agency, giving a breakdown of those in the community, the Care Agency residential home – that is either Tangier Views or elsewhere – their age and sex, how many are siblings and whether these children were on an Emergency, Voluntary or Court Order?  
620

**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 total number of ‘Looked After Children’ in the care of the Care Agency as of 31st January 2013 was 33. There are 14 ‘Looked After Children’ in the community and 18 ‘Looked After Children’ in the Care Agency residential homes. There are 9 sibling groups; 21 are subject to a Court Order and 12 subject to Voluntary Care. There were no Emergency Orders made in this period.  
625

I will now hand the hon. Member the information requested in relation to age and sex, which is provided on a confidential basis, as the children’s identity can easily be disclosed.  
630

**Multi-Agency Child Protection Committee  
Dates of meetings; issues discussed**

635 **Clerk:** Question 138, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say on how many occasions the Multi-Agency Child Protection Committee has met since 13th March 2012, stating the issues discussed, and, in cases where it would be inappropriate to do so, to provide such information on a confidential basis, and the date scheduled for the next meeting?  
640

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.  
645

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since 13th March 2012, the Multi-Agency Child Protection Committee has met on 28th June 2012, 18th September 2012 and 7th November 2012.  
650

The next Multi-Agency Child Protection Committee will take place in March 2013. A date is still to be set.

As previously stated in reply to this question, the meeting of the Child Protection Committee is not a public meeting and given the sensitivity of the child protection issues discussed, it is not felt appropriate that these should be made public.

655

**Hon. J J Netto:** Well, Mr Speaker, I am not asking the hon. Lady to provide me detailed information of any particular child. That is not what I am asking. What I am asking is whether at those meetings where there are issues of policy perhaps that have been discussed. Surely there is a difference between providing information to Parliament on policies which are being considered or have already been considered and adopted, against information that may be delicate in terms of identifying particular individuals.

660

I am quite clear of separating the two issues and whether the hon. Lady is willing at least to consider the other set of information which does not expose any particular child's identity to be shown.

665

**Hon. S J Sacramento:** Mr Speaker, issues of policy and strategy are discussed, but there is a reason why this meeting is not in public, Mr Speaker. I am loathe to discuss the strategic and policy decisions that are taken at this meeting.

This is something that we have discussed at length in the past, Mr Speaker, and my position remains the same as it was on the last occasion.

670

### **Challenging Behaviour Unit Options and conclusions**

675

**Clerk:** Question 139, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the options being considered in Question No. 285/2012 in relation to a Challenging Behaviour Unit have now concluded and, if so, has the Government now decided where the services will be provided?

680

**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 Care Agency is in the process of reviewing its residential service as a whole and is also developing the Fostering and Adoption Service. As such, options are being considered in terms of a dedicated Challenging Behaviour Unit.

685

**Hon. J J Netto:** Mr Speaker, that is practically what she said to me back in March 2012. It does seem that nothing substantive has elapsed in that particular period. I am sure that between March 2012 to now, at least the Government or the Department where she is the Minister would have known... because obviously in March, she was already accepting the principle that there was a need for a Challenging Behaviour Unit. She was already accepting that principle. The question was where we are going to have it, basically.

690

So in this period of eight months since the last time, she has not identified a particular suitable place for this particular unit?

695

**Hon. Miss S J Sacramento:** Again, Mr Speaker, this is something which is a big issue, not only because we have to introduce legislation in order to do it, because in fact, Mr Speaker, when the Children Act was being drafted in 2008-09, it is a section that was included in the draft of the legislation but it is the Opposition when they were in Government who chose to take it out of the draft legislation.

700

So it is something that could have been done by the hon. Gentleman, but he chose not to do it.

Now, it is not just a question simply of introducing the equivalent of the UK legislation into our legislation and it is not only a case of adapting it and making it suitable to Gibraltar, but there is also the issue of introducing the regulations to be able to back it up. It is not as simple as finding a location for this, but there is also an issue of training the staff and all the other resources which are required for this.

705

Now, again, it is a big piece of work, Mr Speaker, which we are looking at – not only Social Services are looking at it, but also the Legislation Unit – and it is something that is being worked on, Mr Speaker.

It is quite ironic, Mr Speaker, that the Member opposite should make such a song and dance about it now, but he did not make any issue of it when it was in the draft legislation, but he chose to take it out, Mr Speaker.

710

715 **Hon. J J Netto:** Mr Speaker, the simple answer why we took it out at the time because we were not ready for it for the reasons that she is saying now, but this conversation we have had back in March, so what it seems is that we need to put in back again what we took out because we were not ready at the time and she knows that – she has known that from March. She also needs to find out a particular suitable place, which she knew in March 2012 and she also knows now, as she knew in March, that people need to be trained for that.

720 The question is: she has known all these things since March and she seems not to have done anything about it. She could have brought the legislation, if she knew that the legislation could have been brought about. She could have done it in March, in April, in May, in June; but she has not done it.

The question is when is she going to bring the legislation? That is for a start, because the application of the date of the legislation can be whatever her choosing.

725 Because we were not ready at the time, but you are now the Minister, not me, and you have got to decide whether –

**Mr Speaker:** Will the hon. Member address his remarks to the Chair?

730 **Hon. J J Netto:** Sorry.

If you want to bring that part of the legislation which was not ready, you have got to decide when you are going to do it, because you knew about it in March. You also knew in March that you had to identify a particular venue and you also knew in March that you had to train the people. The question is when are you going to do it?

735 **Mr Speaker:** Would the hon. Member refer to the hon. Lady in the third person, thereby guaranteeing that remarks are addressed to the Chair.

Do not speak to her as ‘you’. You address the Speaker and refer to her as ‘the Hon. Minister’.

740 **Hon. J J Netto:** I apologise, Mr Speaker, you are absolutely right.

**Mr Speaker:** Thank you.

745 **Hon. Miss S J Sacramento:** Mr Speaker, perhaps the hon. Gentleman did not hear me when I said that we are working on this, because it is in the context of the bigger review of the residential services. That is one, Mr Speaker.

But the point that I want to make is that the difference between my responsibility now as the Minister is that we have identified it and something is being done – as opposed to the Opposition, when they were in Government, who knew it had to be done and chose not to do it, Mr Speaker.

750 **Hon. J J Netto:** Mr Speaker, the hon. Lady has just said that something is being done. Can she please explain what it is that is being done?

755 **Hon. Miss S J Sacramento:** Mr Speaker, It is part of an ongoing review of the residential service, Mr Speaker. Once we have decided exactly what is happening, then the hon. Gentleman will be made aware and will be made aware because it is something that we have to bring before this Parliament, Mr Speaker.

The only thing that the hon. Gentleman did, when he had the responsibility to do it, was to consider inserting this provision in the legislation. No other consideration as to the practical elements and the enforcement of this was given, Mr Speaker. We are now doing it because there was no background to this. It is something which is a very serious matter and serious consideration needs to be given to it.

760 Again, it is an ongoing process, Mr Speaker. We are hoping to be able to finalise the matter soon, but it is in the bigger context of the review of the residential service.

765 **People with debilitating conditions  
Numbers; Domiciliary Care**

**Clerk:** Question 140, the Hon. J J Netto.

770 **Hon. J J Netto:** Mr Speaker, as at 31st January 2013, can the Minister for Social Services state the number of persons with a debilitating disease in the community, their medical condition in the form of acute, medium or mild, whether they are receiving any help from the Care Agency in the form of Domiciliary Care and if so, how many hours are provided per person and the amount of expenditure accrued since the beginning of this financial year?

775 **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 a total of 100 people with debilitating conditions, of which 37 are mild, 31 are medium and 32 are acute. Of these, 98 are receiving Domiciliary Care. The expenditure since the beginning of the financial year is £656,925.

I will now hand the hon. Member the information requested in relation to the hours of Domiciliary Care being provided per person on a confidential basis.

785

**Audit review of public buildings  
Disabled persons' access**

790 **Clerk:** Question 141, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the audit review of public buildings in order to allow disabled persons access, first raised by me in January 2012, is now complete and, if so, which buildings are currently inaccessible and whether the audit review has a programme to make such buildings accessible?

795

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

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this is an ongoing process. As the hon. Member will be aware, there have been several audits completed which have been reported in the press, such as Albert Risso House, St. Michael's Cave and, significantly, the Parliament Building.

800

**Hon. J J Netto:** Well, Mr Speaker, that does not really take me much further along from my question and answer back in January 2012. What I was expecting from the hon. Lady is to tell me whether this kind of request would have been put on to a technical officer, perhaps in the Technical Services Department, in order to view all public buildings and provide a listing, so to speak, of those particular public buildings which are accessible or non-accessible to disabled people and, as a consequence of the buildings which are inaccessible to disabled people, whether there is a Government programme to try if possible to make them accessible to a disabled person.

805

**Hon. J J Netto:** So can I turn this into a question, perhaps: can the hon. Lady say whether there is such a report by Technical Services Department technical officers in relation to the question asked, which is a listing of all public buildings to state which ones are accessible and which ones are inaccessible for disabled people?

810

**Hon. Miss S J Sacramento:** Well, not yet, Mr Speaker, because the process is not yet complete. Once the whole evaluation process is complete, then we will have the written reports and the written policies on how different Departments need to deal with the issue of accessibility.

815

**Hon. J J Netto:** Mr Speaker, how long is going to be the ongoing process to establish that the buildings are accessible or not accessible to disabled people?

820

All she needs to do, given that she is repeating what she repeated back in January 2012, is one technical officer to be assigned to these and I should imagine that the technical officer within the period of four weeks – six weeks at the most – will be able to go back to the hon. Lady and say, 'Right, these are all the public buildings and from all the public buildings, so many out of the total are accessible to disabled people and so many are not accessible to disabled people.'

825

Has she done that? Has she put the request to the officer in the Technical Services Department and if she has, has she got a report to say which ones are and which ones are not? I think it is a fairly simple question.

**Hon. Miss S J Sacramento:** Mr Speaker, can I start by saying that 'she' is the cat's mother and perhaps the hon. Gentleman could be reminded on parliamentary etiquette once again. (*Interjections*)

830

**Hon. D A Feetham:** Mr Speaker, the hon. Gentleman is obviously totally in your hands, but I heard him say, 'Mr Speaker, can she...'. She is not a he –

835

**Hon. Miss S J Sacramento:** She is the hon. Lady.

**Hon. D A Feetham:** So unless the hon. Lady wants to be referred as a he, I do not think that he did anything wrong.

840 **Hon. Miss S J Sacramento:** I can also be referred to as ‘the hon. Lady’, Mr Speaker.

In any event, Mr Speaker, can I just say that once again, what a shame it is that the hon. Gentleman did not feel so strongly about disability access to public buildings or any other buildings when it was his responsibility to do so. He can rest assured that this is something that will happen in the term of this Parliament. We are not going to be timed by the hon. Gentleman, Mr Speaker, as to what he thinks should be done and by when.

845 Again, as I have said in my previous answers, these things are now... not only are they going to be done, which is something that was never done – did not even appear or register on the horizon, when it was the hon. Member’s responsibility – but they will be done properly. And in order to be done properly, Mr Speaker, we need to have the right people in place, looking at the right policies and then communicating them to the right Department.

850 It is better to get it right at the beginning, and if it takes a bit longer then so be it, but once we do it, we will circumvent any problems that we may possibly have if we rush through it.

855 Again, I reiterate, Mr Speaker, that maybe the issue for the delay is the obvious lack of infrastructure, particularly in relation to the area of disability, that I have inherited, and I have to thank the hon. Member for that.

**Hon. D A Feetham:** Mr Speaker, may I explore with the hon. Lady this question of resources that she was alluding to in relation to whether it makes it difficult or not to conduct this particular audit? Can I ask her, how many people has the hon. Lady assigned to the task of conducting this particular audit?

860 **Hon. Miss S J Sacramento:** Mr Speaker, it is a multi-disciplinary and a multi-agency team of people from different Departments, depending on the task at hand.

865 For example, there will be a person from the Care Agency and they are mostly dealing with people from the Occupational Therapist Department at the GHA, and then there will be different technical people, depending on the location of the place.

870 For example, when we undertook the audit of the GASA pool at the beginning of the year, before last summer, in order that it was accessible in time for the summer, we compiled a team of people to deal with it and make the recommendations, purchase whatever was required to make it accessible, and then we have a team of people who then continue to assess the place in case anything needs to be repaired or hoists need to be oiled etc. That is one example, the GASA pool.

We have got, as I mentioned earlier, ongoing works at St Michael’s Cave. Again, part of that team will be people from the Tourist Board who will be involved.

We have got ongoing works assessing accessibility to beaches: again, different...

875 We will always have the same core team assessing the issues of accessibility, but then we may have different people changing on the peripheries, depending on the location.

**Hon. D A Feetham:** Mr Speaker, how many people are part of that core group of people conducting these audits, and how often does the hon. Lady actually meet, meet up with them?

880 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot tell you exactly how many people there are, and there may be a different number of people from time to time, depending on the nature of the work, depending on the location, and depending on the works that need to be done.

885 Again, the amount of times that I will meet with either the group as a whole, or a sub-group of that group, or the people from the Care Agency who then feed back to the group, depends from time to time and it is not something that I can tell you off hand. It is not information that I have before me for the purposes of this question.

890 **Hon. D A Feetham:** Mr Speaker, what I am trying to get at is whether, effectively – and it sounded as if this is what the audit is actually all about – as to whether you are dealing with a piecemeal audit of buildings, one at a time, and you are conducting an audit of that building, but really there is no global audit, or whether there is one global audit and you are going through each building on a systematic basis.

895 Therefore, the question of whether there is a core team of people... and I quite understand that you may supplement that core team of people from particular people, from particular Departments, as and when they relate to buildings within that Department or relevant to that Department, but surely, if one is conducting a systematic audit, one needs to have a core team of people who are the same identifiable people who are assigned to that task and then report to the Minister in a systematic way.

I would have thought that if this was a systematic audit, conducted properly, and the hon. Lady was taking an interest in this – and I am sure that the hon. Lady is – that the hon. Lady would be able to

900 identify and give us at least... at least tell us the number of people who form part of the core team conducting this audit.

Of course, if it is not systematic, and if there is not a global audit, and what the hon. Lady really is talking about is just simply, ‘Well, next week, let’s do an audit of the GASA, and next month, let’s do an audit...’ and really there is not a systematic approach to this, it really could take four years to conduct this, rather than perhaps far earlier if it were approached in a more systematic way. That is what I am trying to explore with the hon. Lady.

910 **Hon. Miss S J Sacramento:** Mr Speaker, I thank the Hon. the Leader of the Opposition for his faith in me, and I can assure him that yes, I do have a very vested interest in progressing this and getting it right.

I go back to my original answer, Mr Speaker, in that this is an ongoing process, and while we conduct or finalise the assessment of the global audit, what we are doing is we are looking, perhaps on an *ad hoc* basis, at the buildings that appear to us to be more of a priority at any given time.

915 For example, last year, before the summer, we tackled the GASA pool because we wanted it to be ready in time for the summer – because otherwise there is no point if we have it ready in time for winter. So I hope that that answers the question.

**Hon. D A Feetham:** Mr Speaker, with respect to the hon. Lady, it does not. I do not want to withdraw my earlier faith in her and accuse her or suggest to her that perhaps she is slightly bluffing in her answer.

920 What I have asked the hon. Lady, given that it is obviously so important to her, is at least to tell us what the number of that core team is, and perhaps even go further and tell us what the composition of that core team is, so that at least we, on this side, can ascertain for ourselves whether there is some systematic thought and some thorough thought going into the conduct of this audit.

925 Surely, if it is as important as she says that it is to the hon. Lady, she will be able to tell us how many people – the number, or the core team – are assigned to this task, and perhaps even the composition, whether they are Technical Services people, whether they are her own people within Social Services, or from somebody else’s Department.

The question is: can she tell us what the number is of this core team, and perhaps the composition of that team?

930 **Hon. Miss S J Sacramento:** Mr Speaker, I think I have already replied to that question. I think that I have already said that it is depending on the project, but that mainly the group of people is comprised of people from the Care Agency, people from the Occupational Health at the GHA, and then we have got our Technical Services.

935 Mr Speaker, when I have meetings with the various officials and professionals, sometimes my office is full of people, and sometimes two or three people attend. It depends on the nature of the meeting and the nature of the project. Sometimes, I have the head of OT at the GHA. He is probably one of the core people who is always present at all the meetings that I have. Then, I have to confess that sometimes when I meet with people from Technical Services I do not know all of their names, because they are not my officials.

940 I go back, Mr Speaker, to my first answer, in that this is not yet complete and it is an ongoing matter. By the end, when we complete this exercise, then I will be able to, for certain, say exactly who is in what team in respect of this project.

945 Mr Speaker, as soon as it is complete, then I am more than happy to give the hon. Gentleman the information that he requires. I cannot give him more information than what I have now, and I have already told him it is a group of people.

Sometimes I am sat in my office and there will be two people – I will have one person from the Care Agency and one person from the Occupational Health – and sometimes I will be sitting in my boardroom and there will be 10 people. It depends on the project and it depends on the nature of that meeting.

950 Obviously, I am not going to be present in every single meeting that relates to the review of the accessibility work that is done. We meet once in a while and we review the projects that are ongoing.

I do not have that specific information and I do not recall the names of all of the officials who attend my office; but once I do, rest assured that I will provide the hon. Gentleman with the information.

955 **Hon. D A Feetham:** Mr Speaker, what the hon. Lady is saying, really, is that there is no fixed core of people dealing with an overview, bird’s-eye view, of the audit as it relates to all buildings. Effectively, what she is saying is that it varies, depending on the building.

Can I impress upon the Lady that perhaps she ought to consider actually appointing a core team of people that does not change depending on the building? Because if you are going to be conducting an audit of this nature and it is going to be systematically conducted, you really need a core team of people



960 that can look at this on a global basis, rather than a group of people that really are changing depending on the building.

965 If you have a group of people that change depending on the building, the only common denominator in respect of all the buildings is going to be the hon. Lady herself, and in that kind of circumstance it is very difficult to be conducting a systematic survey or an audit of all buildings in terms of disability needs.

970 **Hon. Miss S J Sacramento:** Mr Speaker, I certainly am not the person to be undertaking or heading the audit, but there are always two constants – possibly three, but there are certainly always two constants. There is always one person from the Care Agency, who is pretty much a disability assessment officer, and that person is always the constant throughout on these projects; and the head of the OT Department in the GHA is always present in these projects. So there are always at least two constants. I believe that there is a third, but I am not sure which Department this gentleman comes from; I think it is the Technical Services Department.

975 **Mr Speaker:** Any other supplementary?

**Alzheimer's and Dementia Residential Unit  
Final revised plans**

980

**Clerk:** Question 142, the Hon. J J Netto.

985 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the final revised plans for the Alzheimer's and Dementia Hospital, alluded to in answer to Question No. 523/2012, have now been completed; and, if so, state the total amount of beds the hospital will have, when the plans were finalised, the date when the hospital is envisaged to open, and provide a breakdown of the numbers and grades involved and the cost of employing new staff?

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

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, as previously stated in this Parliament, there are no plans for an Alzheimer's and Dementia Hospital, but rather for an Alzheimer's and Dementia Residential Unit.

995 The plans are almost complete. It is envisaged that the number of beds will be 52. It is hoped that the facility will be functioning by the end of this year, and the level of staffing required is still to be determined.

1000 **Hon. J J Netto:** Sorry, Mr Speaker, I am afraid I have lost some of the answer being provided by the hon. Lady. She did mention, I believe, that the number of beds will be 52. Is that correct?

**Mr Speaker:** Fifty-two, yes.

1005 **Hon. J J Netto:** Did she provide a date when she thinks that the residential home, which the hon. Lady is calling... will be open, Mr Speaker?

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, I believe I said by the end of the year.

**Mr Speaker:** Next question.

1010 **Clerk:** Question –

**Hon. J J Netto:** Can I ask...?

1015 **Mr Speaker:** Yes, go ahead.

1020 **Hon. J J Netto:** Although the target date will be by the end of the year, which is another 10 months away and would involve commencement within the next financial year, so to speak, is she now in a position of knowing the number of new people that she would need to employ in order to provide such services to this group of people; and if she does, Mr Speaker, can she provide a breakdown of what grades they are and what will be the extra cost to the Government?

**Hon. Miss S J Sacramento:** Mr Speaker, had the hon. Gentleman listened to my answer, I said that the level of staffing required is still to be determined.

1025 **Mr Speaker:** Next question.

**Hon. J J Netto:** To be determined... Will she know by when she will be in a position that this decision will be determined?

1030 Obviously, she is now working towards a target date when the facility is going to be open – by the end of the year – so she must be having some discussion, particularly with the senior management of the Care Agency, and indeed perhaps even members of the Gibraltar Health Authority as well.

1035 I do not necessarily want to pin her down to exactly a particular fixed number of people, but perhaps she will know by now how many nurses there may be needed to be employed, how many auxiliary staff will need to be employed, whether there are some sort of other specialities that need to be employed to provide the services. Has she had this discussion... whether she knows the breakdown of different grades that would be required?

1040 **Hon. Miss S J Sacramento:** Mr Speaker, we have had the discussions, and generally there are formulas that determine the level of the staffing requirements, but there is no final breakdown because, although in general we know the level of dependency that this unit will cater for, it may be that we need to look at that and the exact ratios will be known at a later stage.

As I said initially, the staffing level required has not been finalised. We can more or less gauge what it is, but it has not been finalised.

1045 **Hon. J J Netto:** Just perhaps one final question, Mr Speaker, if I may: does the hon. Lady think that, by the time the new Estimates are tabled, probably in the month of May or June... Will those new Estimates for the new financial year contain the extra amount of expenditure and the breakdown? I am not really trying to...

1050 **Hon. E J Reyes:** Catch her out.

**Hon. J J Netto:** – catch her out. It is just that I want to know whether, by that time, this will be part and parcel of the new estimates.

1055 **Hon. Miss S J Sacramento:** Mr Speaker, it may be that it is determined by the time that we lay the Estimates before Parliament; it may be that it is not. We will take it as it comes when we appear before Parliament for that session.

1060

#### **Care Agency 11-month contract holders**

1065 **Clerk:** Question 143, the Hon. J J Netto.

1070 **Hon. J J Netto:** Mr Speaker, since Question No. 763/2012, can the Minister for Social Services provide the following information: (a) how many new 11-month contracts have been initiated, stating the grade, nationality and location; (b) how many 11-month contracts have now terminated, and of those, how many ended with an indefinite contract, and how many have not had their 11-month contract renewed, stating their nationality, grade, and location?

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

1075 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, 25 new 11-month contracts have been initiated since Question 763/2012.

The breakdown is as follows: by grade – 18 care workers, two social workers, two RGNs, two AOs, one domestic; by nationality – 20 British, five Spanish; by locations – two in Administration, six in Disabilities, 10 in Elderly Care, seven in Children's Services.

1080 One 11-month contract has been terminated, and one has resulted in an indefinite contract. By grade, the one terminated was a care worker, British, in Children's Services; the one in an indefinite contract was a care worker, British, in Disability Services.

1085 **Hon. J J Netto:** Mr Speaker, could I perhaps ask the hon. Lady, would she be gracious enough to provide a photocopy of the answer given, as there were so many details involved that that would help, certainly, the Opposition benches.

**Hon. Miss S J Sacramento:** Yes, Mr Speaker. Would you like it now, or after?

1090 **Hon. J J Netto:** Mr Speaker, I think that we can certainly move on to the next question.

**Mr Speaker:** Very well, thank you.

1095

**Mount Alvernia  
Nursing Co-ordinator post**

**Clerk:** Question 144, the Hon. J J Netto.

1100

**Hon. J J Netto:** Mr Speaker, is the Minister for Social Services now in a position to provide a definitive answer to Question No. 764/2012, in relation to the review of the post of Nursing Co-ordinator at Mount Alvernia?

1105

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

1110

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, Question No. 764/2012 asked if the vacant position of Nursing Co-ordinator at Mount Alvernia had been filled. At the time, the post was being filled in an acting capacity, and it continues to be. The service continues to be reviewed.

**Hon. J J Netto:** Mr Speaker, can the hon. Lady state whether the person who has now filled the post on a permanent basis was an employee of the Care Agency?

1115

**Hon. Miss S J Sacramento:** Mr Speaker, I have not said that the post has been filled on a permanent basis. I have just said that it is being filled in an acting capacity.

1120

**Disability Team Leader post  
Conclusion of review**

**Clerk:** Question 145, the Hon. J J Netto.

1125

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the review stated in answer to Question No. 766/2012 has now concluded; and, if so, what is the conclusion in relation to the post of Disability Team Leader?

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

1130

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, we have been working in collaboration with the Acting Team Leader of the Disability Services and the Team Leader of the Adult Services, and the review of the entire Disability Service is almost concluded.

1135

In light of the above reply, I am not yet able to disclose what the conclusion in relation to the post is, other than to say that there is a massive review of the Disability Service.

**Hon. J J Netto:** I believe, Mr Speaker, that the hon. Lady said that the review is almost complete. If that is the case, can she perhaps tell Parliament when she will be in a position to provide the information in relation to the conclusion of such a review, which is basically what I am asking?

1140

**Hon. S J Sacramento:** Well, quite hopefully, by the next sitting of Parliament, Mr Speaker.

**Hon. J J Netto:** I am grateful.

**Mr Speaker:** Next question.

1145

**Tangier View  
Residential Home Manager post**

**Clerk:** Question 146, the Hon. J J Netto.

1150

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the review quoted in answer to Question No. 767/2012 has now ended; and, if so, state what the conclusion of such review is in relation to the outstanding post of Residential Home Manager in Tangier View?

1155

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

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** The review quoted in Question No. 767/2012 is almost concluded and a restructure is being planned for the new financial year, Mr Speaker.

1160

**Hon. J J Netto:** Mr Speaker, I am glad that my prompt in my question has made it that all the different reviews are now almost complete.

**Hon. Miss S J Sacramento:** Don't flatter yourself.

1165

Mr Speaker, in response to that gratuitous remark, I think the hon. Gentleman should not flatter himself because the target is the new financial year.

1170

**Bleak House courses  
Provision made for students**

**Clerk:** Question 171, the Hon. Mrs I M Ellul-Hammond.

1175

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Training state what provision has been made for those students who voluntarily attended the Bleak House courses of literacy, numeracy, IT and life skills, which were last held in May 2012?

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

1180

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Questions 177, 178, 179, 180, 181, 182, 183 and 184.

1185

**Employment and Training Company Ltd  
Number of companies signing contracts**

**Clerk:** Question 177, the Hon. D A Feetham.

1190

**Hon. D A Feetham:** Mr Speaker, can the Minister for Employment please state how many companies have signed contracts with Employment and Training Company Ltd as at 31st January 2013?

1195

**Future Job Strategy  
Types of training**

**Clerk:** Question 178, the Hon. D A Feetham.

1200

**Hon D A Feetham:** Is the Minister for Employment now in a position to provide details of the type of training that each Future Job Strategy trainee placed in Government Departments, Government Companies or Authorities is receiving and which he said he would write to me about at the last session of Parliament?

1205

**Future Job Strategy  
Number of trainees placed**

1210 **Clerk:** Question 179, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state, as at 31st January 2013, how many Future Job Strategy trainees were placed in the private sector and how many in the public sector?

1215

**Future Job Strategy  
Number of trainees in permanent employment**

1220 **Clerk:** Question 180, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state how many Future Job Strategy trainees have been employed permanently, following successful completion of their training (a) in the private sector and (b) in the public sector?

1225

**Future Job Strategy  
Number of trainees failing to complete training**

1230

**Clerk:** Question 181, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state how many Future Job Strategy trainees have failed to complete their training since the scheme was instituted on 1st February 2012?

1235

**Future Job Strategy  
Termination of training**

1240

**Clerk:** Question 182, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state how many trainees have had their training terminated in the public sector, or by companies in the private sector, other than for reasons that the trainee has been permanently employed?

1245

**Employment Training Company Ltd  
Trainees not receiving training**

1250

**Clerk:** Question 183, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state whether there are any trainees getting paid by the Employment Training Company Ltd who are currently not receiving any training, either within the private or public sector?

1255

1260

**Construction Training Centre and Gibdock  
Trainees in structured schemes**

**Clerk:** Question 184, the Hon. D A Feetham.

1265

**Hon. D A Feetham:** Can the Minister for Employment please state how many people have been taken on at the Construction Training Centre or Gibdock for structured training schemes since 1st January 2012?

1270 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, of those who attended the courses in May 2012, 14 went from ETCL into employment, 10 went directly into employment, 19 continue in ETCL/SEC, nine we have had no further contact with, and two are currently registered unemployed.

1275 As at 31st January 2013, 184 companies had signed contracts with ETCL.

Further to Question 28/2013, the answer is no.

As at 31st January 2013, 289 trainees were placed in the private sector, and 205 within the public service.

1280 Following employment training with ETCL, 101 trainees have been employed in the private sector and 10 in the public service.

Twenty trainees have failed to complete their training.

Other than for the reason of having found them permanent employment, 39 trainees have had their training terminated.

1285 The employing company is not aware of any trainee that is not receiving any training.

To date, no-one has been taken on at the Construction Training Centre or Gibdock.

**Hon D A Feetham:** Mr Speaker, just simply on a Point of Order, because the Hon. the Minister for Employment has, in the past, lumped all Future Job Strategy questions that I have asked him into one and answered them. Very often, I go back and I look at the answers, and in fact he either has not answered one particular question or an aspect of a particular question.

1290 In my respectful view, I do not think that it is parliamentary and I do not think that it is within the spirit of Standing Orders for there to be a bunching up of questions – and effectively, we are talking about (*Interjection by Hon. J J Bossano*) eight or nine questions bunched up (*Interjection*) – with no reference, when he gives me the answer, to the number of the question, and it really is very difficult to follow, from this side of the House, which answer relates to which question.

1295 I really do not think that it is within the spirit of Standing Orders or the Rules of the House for there to be answers to questions in this particular way.

1300 I ask one question, I require an answer for that question, and quite frankly, it is very difficult to actually follow the answers the hon. Gentleman has given to the questions that I have asked.

**Mr Speaker:** Since time immemorial, Ministers have had discretion to lump together and answer whatever questions they have wished. That has always been the practice.

1305 I understand the problem, the difficulty, which the Leader of the Opposition says that the Opposition have in placing, as it were... in identifying what part of the answer has to do with which particular question. I can understand that that is a problem for them.

Because of that, and because there are a number of questions, I am prepared to be liberal in allowing them whatever time they feel is necessary to be able to ask supplementaries, but as I say, there is nothing in Standing Orders that prevents a Minister from answering any number of questions together.

1310 **Hon. D A Feetham:** Mr Speaker, that is certainly the case, but Standing Orders also provide that the questions that we ask ought to be answered, and that must mean that there must be a correlation between the answer and the question.

1315 What I am inviting the Hon. the Minister perhaps... What I am inviting, Mr Speaker, and urging upon him, is that perhaps he ought to urge the Minister to identify, at the very least – even if he bunches them, at the very least identify – the question he is answering with the information he is providing, because it really is very difficult to follow the actual answer to the question, particularly when we are talking about not three questions, but we are talking about eight or nine questions.

1320 **Mr Speaker:** Again, I understand the difficulty.

Let me say this: in about half an hour's time or so, we hope to have a short recess of 20 minutes or so, and I will be liberal perhaps. If, between now and then, hon. Members of the Opposition have not been able to fully pursue the supplementaries arising from this answer that they feel that they need to pursue, I will be liberal in allowing them to come back, to return to these questions and ask the necessary supplementaries. Beyond that, I really do not feel that I can go.

1325 I have only seen the answer myself now, so I cannot ask here now and then, immediately, the Hon. Minister who has answered it, which paragraph refers to which question, but outside the pressure of the House, perhaps in the Antechamber, one or two of the hon. Members of the Opposition could do precisely that and then, as I say, I will allow them to come back to this main answer and pursue it to the extent that they feel is necessary.

1330

**Hon. D A Feetham:** Mr Speaker, I am very grateful for that.

1335 It is not the fact that Mr Speaker does not, in fact, provide us the indulgence, because he has in the past provided us the indulgence; it is about the practice. I just do not think that it is proper parliamentary practice and it is within the spirit of Standing Orders to provide answers to questions in this way, without identifying, at the very least – even if he bunches them – indentifying the questions. But so be it, Mr Speaker, and I will –

1340 **Mr Speaker:** No, the problem is where do you draw the line. You can lump together two, three or four – it has happened today and yesterday – and there is no problem. Now the hon. Members of the Opposition are having a problem, but I cannot give a strict ruling and say you may only lump together three, four, five or six.

1345 The Hon. Leader of the Opposition must understand that the Speaker only has those powers under Standing Rules that hon. Members decide that the Speaker should have. If hon. Members consider that the Speaker does not have enough powers, they know what steps they have to take.

1350 **Chief Minister (Hon. F R Picardo):** Mr Speaker, just in terms of how parliamentary these things may or may not be, I offer the hon. Gentleman the opportunity to reflect on the fact that, when we were sitting in Opposition and they were sitting on this side of the House, we often endured the bunching of a number of questions, sometimes two or three, in relation to a particular subject –

**A Member:** That is what I just said.

1355 **Hon. Chief Minister:** – sometimes 20 or 30. On one particular occasion, Mr Speaker, I recall the Hon. the previous Chief Minister bunched, I think, a historic 60 questions together, or so, in respect of Mr Licudi.

I urge the hon. Gentleman to think that if it is unparliamentary now, it was unparliamentary then.

1360 **Mr Speaker:** I would say this, if the Hon. Chief... (**Hon. Chief Minister:** Of course.) In my time – and in the time of the Hon. Member, Mr Bossano – this number of questions would not have been lumped together, but if a practice has developed over the last 20 years, where even more... then, if you tell me that 60 questions have been lumped together, 10 is no great number. But when I was sitting on those benches, you hardly ever had answers to more than two or three questions lumped together, and I am sure the Hon. Mr Bossano will corroborate that.

1365 **Hon. Chief Minister:** I am grateful, Mr Speaker.

1370 If I may just say this: for the purposes of trying to take forward debates in this House, many of those questions which are lumped together are the questions, in the last Parliament and in this Parliament, that are prefaced with ‘How many...?’ Mr Speaker, when I became a Member of this Parliament in 2003, I started the practice of asking many of those ‘How many...?’ questions – or rather, questions which prefaced with ‘How many...?’ – by written question, and asking a political question the following Parliament if I found that the data I had been provided with gave rise to any such potential political question, if I may put it that way.

1375 I just invite hon. Members, who have the right to decide absolutely for themselves which questions they put in writing, or which questions they put orally, that if they are seeking questions which are about statistical information, they have three courses: ask them orally; ask them in writing, in which case they have the information and they can analyse it before they then ask a parliamentary question in the next Parliament, in the next meeting, which is now every month – before, it was two or three times a year; or, approach us and say, ‘Look, I am going to be asking this statistical question in every Parliament – can I invite you to put this on the website, so that I can look at the numbers and ask my political questions based on the numbers on the website?’

1380 I do not know if that is of any assistance, Mr Speaker.

**Hon. D A Feetham:** Mr Speaker?

1385 **Mr Speaker:** Yes, just a moment.

1390 There are two immediate courses of action that the House could take. One is to ask the Hon. Minister whether the Members of the Opposition can have a photocopy of the main answer immediately. The other one, of course, is as I said, we were going to have a break at about five – we could have a recess now for about 20 minutes, which will allow the hon. Members of the Opposition to look at the answer in detail and to identify them with any of the questions. I am open to whatever the...

**Hon. D A Feetham:** The first suggestion would be fine, Mr Speaker.

We, on this side of the House, are also interested in moving forward. It is not really about this particular session; it is about how we move forward.

1395

I have already, in relation to statistical questions, invited the Hon. the Minister for Employment to provide me with those statistical questions on a quarterly basis. I think that I suggested, in relation to unemployment figures, that he provide me with those on a quarterly basis, and perhaps I also invited him to place them on the website.

1400

Not all these questions are statistical questions, and the point that I was making is that, perhaps in future, when he answers them – and he is not going to have answer to me, because it is Mr Bossino who is taking over the relevant portfolio – that he might want to consider actually identifying the question that he is answering when he actually provides the answer, and that would be helpful.

1405

In respect of the 60 questions that were bunched together, I am aware that, in the past, 60 – or a large number of questions – have been bunched together. They were of a statistical nature, and hence could be provided in a schedule. *(Interjection)* Mr Speaker, that is my recollection.

Some of these questions are not statistical, they are political in nature, and hence I have chosen on this occasion actually to ask them across the floor of this House. On other occasions, I have also asked them in written format.

1410

But the point was to try and, at the very least, elicit the information, not only for ourselves but also for the purpose of *Hansard* and anybody else who looks at *Hansard* or is listening to the debates.

**Hon. Chief Minister:** Mr Speaker, if I might just deal with that point, as a point of information, it is not true to say that the questions that have been bunched together are statistical questions in the past.

1415

**(Hon. D A Feetham:** The 60, or so.)

In fact, a lot of questions, particularly the 50 or 60 that were bunched together, were not statistical; they were about when Government was going to do things and particular aspects of what Government was going to do in relation to a traffic plan, ironically. So, Mr Speaker, it is not true to say that only statistical questions have previously been bunched together.

1420

But if I may just say, Mr Speaker, and end with this, we are going to be dealing with a motion sometime later today about televising proceedings. I think it is in all our interests, if the House does approve that motion and if we do go ahead and televise proceedings, that we do not start with very low ratings because all we are doing is asking each other about numbers.

1425

I have said what I have said about how *I* feel statistical information can be provided more easily to hon. Members for their analysis and then their political questioning, and it is a matter for them how they take it forward.

**Hon. D A Feetham:** Mr Speaker, I accept that entirely. What I do not accept is that all the questions that I have asked are of a statistical nature.

1430

Further, simply because one asks a statistical question does not mean that there is not a political motive behind it, and indeed political supplementaries that arise from it. The hon. Gentleman has enough experience of my questions of the Hon. the Father of the House to know that most of the questions that I do ask have got a political content to them.

1435

I am interested in how we proceed in future and how, obviously, to make the proceedings as fair and effective as possible. I would have thought that it would be possible, certainly, to consider all these issues, not in the context of the motion later on, in relation to televising of the debate, but in the context of the debate, that no doubt we will have, in relation to parliamentary reform later on this year.

**Hon. E J Reyes:** May I...

1440

**Hon. D A Feetham:** Mr Speaker, in fairness to the Minister for Employment, he has also provided me with the answer to the question on debentures. I do not know whether this is...

**Hon. J J Bossano:** Oh well, it should not be there *(laughter)*.

1445

**Hon. D A Feetham:** I have got the answer to the question that I have not asked! I do not know whether he wants that back? *(Interjections)*

**Hon. Chief Minister:** You can start thinking about it so that *[inaudible]*.

1450

**Mr Speaker:** Perhaps you might return it to the Chair.

**Hon. Mrs I M Ellul-Hammond:** And Mr Netto's questions are also here.

**Hon. D A Feetham:** And Mr Netto's questions are also here.



1455 **Hon. J J Netto:** He can leave them here if he wants.

**Mr Speaker:** Given the information which now is in the hands of hon. Members of the Opposition, how would they like to proceed?

1460 **A Member:** Carry on.

**Mr Speaker:** Carry on.

1465 **Hon. E J Reyes:** May I then, Mr Speaker... In relation to the answer provided by the Minister for Employment that refers specifically to Question No. 171, if I noted the figures accurately I believe, Mr Speaker, that 19 trainees still remain on the ETCL and two are registered as unemployed. That makes it a total of 21.

1470 Can I therefore take this opportunity, Mr Speaker, to urge upon the Minister for Employment to think carefully about what I hinted about last time, is that the value of offering important courses that lead to accredited qualifications in numeracy, literacy and information technology would help to enhance the employment prospects of these individuals.

1475 I was urging him last time, even offering to meet up with him... I know he has been busy because he has been representing this House in international matters, which makes all of us in Gibraltar proud; but nonetheless, Mr Speaker, it is 21 youngsters who are currently not in permanent full-time employment, who I believe would benefit greatly if they had the opportunity to attend some sort of courses that led to accredited qualification.

1480 Perhaps, together with the Minister for Education, we can even have a cup of coffee and what is known as a general chit-chat about the value that would obviously allow these 21 youngsters to improve their employment prospects.

**Hon. J J Bossano:** Mr Speaker, there are two registered unemployed. The others – the 19 that the hon. Member is referring to – are, in fact, getting paid. They are in employment; they are not unemployed.

1485 In the Support and Employment Company they have got indefinite contracts. They are placed somewhere with an open contract because... the Member may remember that, having identified the category of people who were with special educational needs, many of whom were there already before 2012, the position was that we initially put them in ETCL, the same as everybody else.

1490 So, everybody who was on the VTS went into the ETCL in February, and then, a few months later, those who had been identified to have limitations, in terms of being able to obtain a job in the open market – which was not a question of improving their skills; it was their ability that was involved – in those cases, we actually gave them all indefinite contracts.

1495 So that is why the 19 are ETCL/SEC. SEC is the Support and Employment Company. These people completed their literacy and numeracy courses in Bleak House, and when they came out, they continued to be paid by the company, like they were being paid while they were doing the courses. They are in areas in the private sector, many of them, but with a commitment from the placement that their placement will not end, that they will continue to be paid a wage and that they will be entitled to an old age pension and so on eventually, because they are now covered by social insurance, and that they will be getting annual pay rises in line with the minimum wage.

1500 So the reality of it is that we know of two who are seeking employment – because they have registered unemployed – out of the whole group, and there are nine who have not come back for anything, and we do not know... They are not either in employment or out of employment; they have simply fallen under the radar.

1505 The 19 are likely to continue to be where they are, and if they can benefit from any other courses, there is no problem in sending them; they are all on our payroll, anyway.

So that is the position. It is not that there are 21 who need to be given a job; there are only two.

**Hon. E J Reyes:** Yes, thank you, Mr Speaker, the Minister for Employment has clarified a little bit.

1510 However, if you subscribe to the philosophy of lifelong learning, I think these 19, together with the two unemployed, would certainly have a far better future working life if they were able to top up on their qualifications.

I will leave it at that, Mr Speaker. Perhaps it is an item of lifelong learning that I can take up with the Minister for Employment when the House meets again, after the refurbishments that are planned.

1515 **Hon. D A Feetham:** Mr Speaker, in answer to Question 178 – I think it is in answer to that Question, because he refers to Question 28/2012 – where I asked:

'Is the Minister for Employment now in a position to provide details of the type of training that each Future Job Strategy trainee placed in Government Departments, Government Companies or Authorities is receiving and which he said he would write to me about...?'

1520

– he has said no. Can he elaborate as to why it is not possible or he is not in a position to provide me with that information – bearing in mind that he said that he was going to write to me on the last occasion – without me writing to him?

1525

**Hon. J J Bossano:** Mr Speaker, it is not related to him writing to me; it is related to the fact that what he asked me for the last time and what he is asking me for this time are not the same thing.

He said, the last time, that the information that he was looking for was the numbers in each area and that he would be happy to get that from me on a quarterly basis because he wanted to see, from one quarter to the other, how many people were in one area and how many were in another area.

1530

On this occasion, he has asked me to give him the type of training. The type of training has nothing to do... well, it has something to do with the area when it comes to Health and Social Care, because that is only available in the areas... So, if I tell him there are 20 people in Health and Social Care, it follows that the training that they are getting is in Health and Social care; if I tell him there are 41 in the Construction Industry Training Centre, it follows that it is construction; but if I tell him that there are some people in the tourist and the transport area, that does not tell him the training.

1535

Therefore, what I can give him is the breakdown that he asked me for the last time, not what he is asking me this time.

1540

**Hon. D A Feetham:** Yes, can he please provide me with that? It may well be that we have been at cross purposes. Can he provide me with that?

**Hon. J J Bossano:** Yes. I have got the figures here for the October numbers. If the hon. Member will bear with me, I will find the supplementary.

1545

In Care and Social Services, there were 55 – this is at 1st December; the figure will have changed in January because some people have now moved on – Education and Health, 18; the Construction Training Centre had 41; Gibdock had 23; the Treasury, Tax Department and Post Office had 18; Human Resources and the Employment Service, 14; Tourism and Transport, 13; Sports and Culture, 14; Electricity Authority, four; Consumer Affairs, one; the Courts, one; the Maritime Administration, four; and Housing, one.

1550

**Hon. D A Feetham:** Mr Speaker, thank you very much.

1555

Just moving on, in relation to the 101 trainees who have been employed in the private sector – presumably after being placed there on the Future Job Strategy Scheme – when I was Minister for Justice and I looked at the figures, when I was working during the last year with my very good and hon. Friend, Luis Montiel, as he then was, we looked at the figures, in terms of the success rate of the VTS Scheme, and the success rate of the VTS Scheme was roughly about 28%. That was the success rate in terms of people placed and then being taken on permanently.

1560

Now, in a year, we have had 101 trainees who have been taken on permanently, out of nearly 500 who were originally taken on as part of the Future Job Strategy scheme. So, at this stage, there does not actually appear to be an improvement in terms of the historic rates at which employers are taking people on on a permanent basis. Does he accept that, and can he explain why he has not been able to effectively have any improvement on the figures when we were there as part of the VTS Scheme?

1565

**Hon. J J Bossano:** Mr Speaker, I do not accept that, no, because I would have to go back and check whether his recollection of what was happening when he was there is accurate. The fact that he states that he came up with a figure, together with his good friend, Mr Montiel, is not sufficient to persuade me.

1570

I have to tell him that, in fact, from the perspective of the commitment to employ, it is almost 100%, the result. The hon. Member will remember how he wanted me to agree with him that the Scheme had been a failure in the first month, when only five employers had turned up. The 101 who have been employed as a result of the 11 months is three short of the people who committed themselves. There were 104 employers who were supposed to be taking people on – 101 have taken them on and three have received invoices. I do not know whether that is enough to persuade him that this scheme is producing better results – which I am sure he wants to see as much as I do; I am sure of that.

1575

I will go back and check his figures, because in fact the information that we used to get before, and which I continued to get after 9th November 2011, was that the previous scheme consisted of *many, many* people being recycled, and the figures that I have of people certainly who have been in the scheme in several cycles already, before 2012, would be higher as a percentage than the figure that he is quoting. So

it may be that there are people who had got a job and then lost their job, and then came back, because it is not clear that they were unemployed in between.

1580

I can tell him that there are people – because we check if they have been in the system before, when they come in – who have been in and out of the VTS three or four times, and they have now gone into employment for the first time from the Employment Company. But it may be that employers have taken them on and then subsequently laid them off, but I do not know.

1585

But I will certainly look at it, and if indeed the figures are as he has said, then clearly there is room for improvement because the one we have got now is better.

**Hon. D A Feetham:** Mr Speaker, what about the other... We are talking about 101 who have found permanent employment. There are also 10 in the public sector, and I presume that the 10 in the public sector... we are dealing with social workers or we are dealing with (**Hon. J J Bossano:** Care.) care or nurses, who have, in relation to those, proper structured training with a view to a job.

1590

But what about the other 350 who signed 11-month contracts with ETCL at the beginning of February, when the scheme started? How confident is the Hon. Minister that they will also be able to be placed? Because of course, the success or otherwise of the scheme cannot be judged just simply by how many one places in the private sector with willing employers. The success or otherwise of the scheme has to be judged on a global basis, bearing in mind the amount of people who signed contracts with ETCL, came into the scheme in February 2012, and who were actually guaranteed jobs at the last Election by the Party opposite.

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**Hon. J J Bossano:** Well, I think I have explained it all before to him, but I will explain it again.

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Mr Speaker, the people that we took on initially we took on even though, from the previous administration, they had a six-month stint in the Vocational Training Scheme, which did not require us to keep them on until they got a job. But we felt that, since we are offering that to newcomers, it was only fair that we should give it to the people who were already there in January.

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The difference between those people, some of whom we still have and are now in their second year – I think we have got about 89 of them left – was that they were not selected by the employer. The fundamental difference between the two systems, which we think makes this one have a higher potential for success, is that this is a situation where it is demand led, not supply led.

On the previous scheme, the employers who were approached initially by us and told, ‘You have to sign a partnership agreement with us,’ said, ‘Well, I don’t want to sign a partnership agreement. As far as I am concerned, I have got people here that I don’t need and I don’t want. They are nice people, they are hardworking people, they are good people, but I don’t need them. I was only doing the Government a favour in order to take them off the unemployment list, because they didn’t cost me anything – no social insurance, and they just got an allowance.’ That is the position that still leaves us with a remnant.

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In the subsequent cases, the person has been taken on because the employer, who has got to give them the job, selects who he takes on. We send candidates; they select one. The one they select gets given a job with the Employment Training Company, and the prospective employer signs a partnership agreement guaranteeing that the job that has been open, which is a job that needs to be filled permanently, will be filled with that person, if that person is suitable, and they have a month to determine the suitability.

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The 101 who have been taken on are all the people who were taken on at the end of that period of commitment by the employer; and, as I have said, there were only three employers who, at the end of the training agreement, tried to argue that the guys were not suitable. We did not accept that argument because it is very clear that, if we accept that argument, then all that will happen is that employers will take them on as long as it is paid from the public purse and stop taking them on when they have got to put the money in their own pocket.

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So the answer to his question is that the people who are there we are committed to keep until we find them suitable... but it is a declining number, and I am optimistic that we will be able to find them all work. It is not a problem that is going to increase, because the system now does not lead to a situation where we are, as it were, forcing people onto employers that the employers do not want to have. That cannot happen, and therefore the criteria that we are applying creates a different kind of relationship.

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In *many many* cases, of course, we are using the opportunity of the fact that... We have been doing it with the construction industry, where the previous Government introduced a system that the allocation of contracts would be that people would have to give three prices, but as well as having to compete on price they would be competing on the number of jobs they offered those unemployed. In those circumstances, the guy cannot say, ‘Well, look, I did not want the guy that you sent me.’ They select who they have.

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So, I certainly will look at the figures that he has given, and I will see, if we are not being as successful, where we are going wrong, but I do not believe that is the case.

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**Hon. D A Feetham:** Did he say that out of the original... He mentioned the number of 89. I thought he said out of the original 450 to 500 who were taken on at the beginning of February of last year, 89 of

1640 that number are included within this 101; the remainder are people who may have, off their own backs or in conjunction with the ETB, found an employer who is willing to take them on on the Future Job Strategy scheme and then have been taken on permanently.

1645 So, am I right in saying that, out of the 400 to 500 people who were originally taken on on the scheme in February 2011, 89 have found permanent employment?

**Hon. J J Bossano:** No, that is not what I was saying. I was saying that, of the people who still remain in the scheme, there are 89 of those who were there initially.

1650 There are a number of other categories in the breakdown that he has asked me for in this and in previous questions, which are the people who found employment, but not with their placement provider.

This question was quite specific. The 101 are where the employer signed an agreement and has honoured the agreement. There are three cases where the employer signed an agreement and tried to walk away at the end.

1655 There are other categories. There is another group of people in the numbers that I have given him – if not in this month’s question, in the ones that he asked me last month – which was the number of people who had actually used their skills with one provider and finished up with a different employer, because of course the commitment is only on the part of the employer. There is no... Some employers feel that it is a bit one-sided, particularly where they feel that they can train somebody to do something and then somebody else can poach them, because only the employer has an agreement to keep the employee. The employee has no agreement to stay there.

1660 But the 89 figure that I have given him, from the top of my head, is what I think still remains of the original and still continues to be in ETCL because we have not yet found them a permanent placement.

1665 **Hon. D A Feetham:** In relation to the 205 within the public service... and I know that there have been exchanges across the... I have asked you in the past, and the hon. Gentleman has not wanted to commit himself – and probably he is not going to commit himself again, but I will ask it.

1670 One of the concerns that certainly we have on this side of the House is that if you have 200 – it is quite a large number of people – within the public service, some of whom it may be particularly difficult to find a job within the private sector for, for whatever reasons relating to their background... Now I do not call them unemployable, but there are people who are more advantaged within the labour market than others – criminal records, or for whatever reason. One of the things that certainly concerns me is that we do not end up in a situation where a person who is particularly disadvantaged – because, for example, of his criminal record – by default actually remains in the public sector *ad infinitum*, on a permanent basis, whereas somebody who has been well behaved, who has not got a criminal record, because of his potential attractiveness to private employers, is found a job in the private sector.

1675 Can he give us an indication of what is going to happen with these individuals if, in the long run – say, for example, by the end of the Government’s term in office – they have not been found permanent employment? Is it the hon. Gentleman’s intention to leave them within the public sector? What is going to be the position with these individuals?

1680 **Hon. J J Bossano:** Well, Mr Speaker, I have just given him a breakdown of where they are. The breakdown was for 207, because in January two of the 207 found employment. They happen to be the two that show an increase from the eight in the public sector to the 10 in the public sector. I told him in the last House that there were eight people who had found jobs in the public sector, and I told him they were all in the Care Agency and that there were 207 placed in the public sector without a guarantee of employment. Right. Well, now the figure is 205, because two of the trainee carers have now been given jobs because they have completed their care training. Right.

1685 It includes 41 in the Construction Training Centre, it includes 23 in Gibdock, and it includes the people I have said we kept on simply because they were there and we did not want to finish them. But I need to remind him that in fact what was happening in many instances previously was that people were being taken into community care projects because they came out of having problems and having been to court and all that kind of thing – he will remember that – and that is part of the public sector.

1690 So, people were saying, ‘Well, look, what do I have to do to get a job in community projects? Go first... So, I punch somebody and I get a job in community projects; if I don’t, then I have to work in the private sector and get paid less – £80 less a week – as a labourer?’

1695 So, what worries him was happening with the people he was being lobbied by just before the Election, and what I am telling him is, in fact, that I am confident that we will be able to place everybody in jobs in the private sector, or that if they get into the public sector it will be because they are applying in competition with everybody else, like 600... A lot of these people are part of the 600 who have applied for public sector jobs. They are entitled to apply. They may not get it, but maybe one or two may, and that figure will bring the total down.

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I cannot predict what the position is going to be in three-and-a-half years' time, and I would not commit myself to what I would do with a position that I do not know what it is going to be. What I can tell him is the degree of confidence that I have, and the degree of confidence is that we will be able to place them all.

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**Hon. D A Feetham:** Mr Speaker, this particular issue is a *very, very* difficult issue, and certainly we were *very, very* careful, when we were in Government, about employing people in the public sector, because everybody on... in circumstances just outlined by the hon. Gentleman, because the reality is that everybody wants to be employed, or a lot of people want to be employed in the public sector, (*Interjection*) and...

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Sorry, I beg your pardon? Do you want me to give way, Mr Linares? I will.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** [*Inaudible*]

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**Hon. D A Feetham:** No, I did not.

**Chief Minister (Hon. F R Picardo):** I am quite happy to clarify, Mr Speaker, that we all, on this side of the House, actually believe there was quite an expansion of the public sector when they were in Government, (**Hon. S E Linares:** Absolutely.) so we are quite surprised to hear those remarks.

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**Hon. S E Linares:** Including in the Culture and Heritage Agency, of which many were employed from outside.

**Hon. D A Feetham:** We will see during the Budget, and we will see in the forthcoming years, how much public expenditure actually goes up by, because it has certainly gone up by a record amount in the last year.

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But look, let me continue with the serious effectively questions and answers that I am having with the Hon. the Minister Bossano, and leave subsidiary issues to one side.

This is a difficult issue – it is a *very* difficult issue – because of course you have people who may be very disadvantaged in the labour market. All these people, certainly the ones that I have dealt with, want to be employed within the public sector.

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There are many, and there have been many who have come to my office, who have complained to me that what was originally promised at Election time – and we have had a debate, and I am not going to reignite the debate – is not what is being delivered now. What was promised then was a job in the public sector.

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Of course, people feel – and it has been expressed to me, and I am concerned – that the more attractive you are to employers, the more likely you are to go and find a job in the private sector: the least attractive, the more likely you are to remain in the public sector.

But can I ask the Hon. Minister this question: the Government has a commitment not to, effectively, sack anybody from the Future Job Strategy Scheme and the public sector until that person has either... has found a job, other than, for example, sacking them on grounds of misconduct or... So everybody who is there will remain there until they have found a job in the private sector. Is that the position? Or the public sector, if they are training?

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**Hon. J J Bossano:** It is not actually that they have found a job. It is that *I* get paid to find them jobs, Mr Speaker. I do not expect the people to find jobs for themselves. We have got an Employment Service, we employ 50 or 60 people, and they are there to help people into work. The reason why we exist in the Employment Department is to find work for people. We do not say, 'It is up to you to find your own job.' We expect employers to open vacancies with us, and we expect to reduce the unemployment because we actively do something about it.

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What I am telling the hon. Member is that we have got people whom we took on because they were there when *he* was in Government, and those people are the most difficult ones to place, but I am confident that we will place them.

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Now, he wants me to give him a commitment – what will I do if I fail? Well, I am not in the business of, first of all, assuming I am going to fail, and then giving him the commitments that he thinks I should give if I fail.

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**Hon. D A Feetham:** No, Mr Speaker, that is *not* the point I am making. I am asking the hon. Gentleman to effectively tell this House whether these individuals are going to remain within the public sector until they are able to be placed in the private sector. That is the question. It is a very simple question, that under no circumstances are these individuals going to be sacked by ETCL, other than for

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reasons of gross misconduct. That is the question, it is a very simple question, and I think it ought to be capable of a very simple answer by the hon. Gentleman.

1765 **Hon. J J Bossano:** Of course it is capable of a very simple answer by this hon. Gentleman.

The hon. Member, when he was complaining about my grouping all these answers together, said that many of these were not, in fact, statistical questions seeking information, that they had a political element in it. I will tell him what the political element is: you are damned if you say yes, and you are damned if you say no.

1770 If I say yes, they are going to be kept, he will then say, 'Ah, well, now none of them are going to be interested in working in the private sector because you have just given them a job for life,'; and if I say no, then he will say to me, 'Ah, you have broken your manifesto commitment and you have done a u-turn' So, the answer is I am not going to tell him.

1775 **Hon. D A Feetham:** But, Mr Speaker, doesn't the hon. Gentleman accept that politics is about making and defending decisions? Will he make a decision, and will he defend it?

1780 **Hon. J J Bossano:** Mr Speaker, I understand one thing: that in the 40 years that I have been in this Parliament I have never seen any Minister take their decisions on demand from the Opposition. They take their decisions when they see fit, and they inform the Opposition of the results.

**Mr Speaker:** Any other supplementary?

1785 **Hon. D A Feetham:** Mr Speaker, moving in relation to the Construction Training Centre and Gibdock, can he explain why the policy, if it is a policy... why there have not been any recruitments into the Construction and Training Centre and Gibdock since they took over office on 9th December 2011?

1790 **Hon. J J Bossano:** Yes, Mrs Speaker, because we intend to replace what training has been provided there before by something that is more effective, both in terms of the numbers that come out with qualifications and the suitability of those qualifications for the industry.

1795 As a consequence of the fact that we have been monitoring and getting detailed breakdowns of what has been happening to those who have gone in – where we have, for example, two people completing NVQ level 2 and 40 going in, which is certainly not consistent – it is quite obvious that the Construction Training Centre did not come up with the success rate that he claimed for the VTS, because the ratio in the Construction Training Centre, and to a lesser extent in Gibdock, has been that the drop-out rate has been *very, very* high. You get a lot of people coming in and a lot of them drop out before they get to level 1, and then you have people who do not continue beyond level 1.

1800 In a situation where the cost of operating the centre is in excess of £600,000 and the cost of the trainees is another £400,000 on top, and what you get is two painters coming out of an institution that costs £1 million a year, we feel something different has to be done. I am happy to say that Dr Coram is the one who is putting the package together as to what is going to be put in place and that there is a working party with representatives from the colleges, the comprehensives and input from the industry which will be putting proposals to me, and I expect that, at the latest in September, we shall be in a position to take in more than would have been taken in two years under the old system.

1810 **Hon. D A Feetham:** Mr Speaker, certainly this is worrying from the Opposition's point of view. It is worrying on a number of levels. It is worrying because, although certainly I would like to give the hon. Member the benefit of the doubt, he has some previous form in relation to closing construction centres, and he did close the two construction centres that were operational prior to ceasing being the Chief Minister of Gibraltar in 1996.

Also, Mr Speaker, it is of concern knowing how... I hesitate to use 'obsessive', but how concerned perhaps the hon. Gentleman always is about pounds, shillings and pence, and he has emphasised the cost of the Construction and Training Centre.

1815 It is also of concern because if one looks at all the training that used to take place – and I use the term 'training' loosely, because... In fact, I use the term 'training' loosely, even in relation to the Future Job Strategy, because with the VTS, as indeed with the Future Job Strategy, one is not talking about structured training; one is talking about placing somebody on a job so that they learn on the job. It is on-the-job learning, or training, but not structured training as such. The structured training was from the Construction Training Centre and from Gibdock.

1820 Can he alleviate concerns on this side of the House that, one, this is not money motivated; two, that he does not intend to do what he has done in the past, which is just close the Construction Training Centre and not replace it by a proper training centre where people can, at the end of the day, come out with a structured qualification that can serve them for a career in the future; and that the new scheme, or the new

1825 set-up that he is going to be replacing this one with, will enable or will involve people coming out of it, at the end of the day, with qualifications – NVQ qualifications, or any other qualifications that involve proper structured training – that will allow people to use their skills to obtain jobs in the construction industry and other industries that are relevant to the training?

1830 **Hon. J J Bossano:** Taking the last part of the question first, I can tell him that what will start this year will produce more people with UK construction qualifications in the distribution of the skills that the industry requires than has been produced in the last four years by the Training Centre; greater numbers than in the last four years with qualifications – predominantly City & Guilds – in the construction trades, and that the thing is being put together by the professionals involved in education and training.

1835 I can tell him that I will not be doing what he claims I did, because I did not do it the last time either. What I did – as I keep on reminding him, and he can go back and check for himself – was to stop a system where people used to get paid pocket money and come out as boy labourers, which was not much different from the VTS. What eventually replaced it was the Construction Training Centre, which in the first year, in 1995-96, produced 20 NVQ level 2s, as opposed to the two that were produced last year.

1840 So, in fact, what is obvious is that the success of what was created by the GSLP in 1995-96 was 10 times more than what it is producing today, and the fact that the GSD did nothing in the intervening 15 years to upgrade and make the place better and more customer orientated has been what requires us now to put right the state of affairs due to their negligence over the last 15 years. I hope that keeps him happy.

1845 **Hon. D A Feetham:** Well, thank you very much; it does not, but that –

**Mr Speaker:** May I say to the Hon. the Leader of the Opposition that I allowed him a very lengthy preamble to the previous supplementary question. I have been *very, very* liberal, and therefore I would ask him and enjoy upon him that he should make his questions shorter and sharper.

1850 **Hon. D A Feetham:** Mr Speaker, thank you very much, and of course I will endeavour to do so.

Can the Hon. the Minister for Employment tell us, or give us an indication of the cost of the new scheme to the Government that he is proposing introducing? I cannot believe for one moment the hon. Gentleman has not thought about the prospective cost of the new scheme.

1855 **Hon. J J Bossano:** Well, I do not expect it to be less than the present one, because it is going to involve many more people. There are no costings, because I have told him that it is still in the hands of the people who are putting the package together and who will be putting proposals to me. But I do not expect it to be costing less; if anything, it will cost more.

1860 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister for Employment tell us by when he intends to have this new scheme up and running?

1865 It is a matter of concern that he is effectively doing away with the Construction Training Centre and Gibdock, which are the only two places, really, where one is coming out with structured training of this sort, and I would have thought that it would have been important for the Government to put something in place as quickly as possible.

Can he provide us with an indication of by when this is going to be up and running, or the target date?

1870 **Hon. J J Bossano:** I have told him already in the original answer, September at the latest – in the original answer to one of the original supplementaries, Mr Speaker.

**Mr Speaker:** Shall we go on to the next question, then?

1875 **Unemployed Moroccan workers  
Number in receipt of benefits**

**Clerk:** Question 172, the Hon. J J Netto.

1880 **Hon. J J Netto:** Can the Minister for Employment with responsibility for Social Security state how many of the 42 Moroccan workers registered unemployed, as answered in Question 1055/2012, were in receipt of the Social Security pension, an occupational pension, or Social Assistance?

1885 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment, Question 172.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this Question with Questions 173 and 174.

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**Disability Allowance  
Delay in processing applications**

1895 **Clerk:** Question 173, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Social Security give an explanation as to the delay in processing the Disability Allowance applications given in answer to Written Question 6/2013?

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**Old Age Pension and Minimum Income Guarantee  
Increases**

1905 **Clerk:** Question 174, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister with responsibility for Social Security say whether he intends to increase the Old Age Pension on 1st April, 1st July, or any other date in this year, and whether the Minimum Income Guarantee will be increased on the same date as the Old Age Pension?

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

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, of the 42 Moroccans, one was in receipt of Old Age Pension and two were in receipt of Social Assistance.

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The Department does not keep records of people's occupational pensions.

In the past four years, the time taken to decide on a claim for Disability Allowance has ranged from one day to 357 days. There is therefore not a much greater delay currently, but one factor affecting the decisions to grant Disability Allowance is the need to establish criteria for the exercise of this discretion, given that previous decisions did not apparently follow a given set of criteria.

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The policy, as has been explained previously, as regards the Minimum Income Guarantee and the Old Age Pension, is that they will be increased at around the same date and that the differential between them will be maintained, and it is intended that this will be with effect from 1st August 2013.

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**Hon. J J Netto:** Mr Speaker, in relation to the first question, the answer provided in Question 172, the Hon. Minister said that there was, out of the 42, one Moroccan national with a Social Security pension and two with Social Assistance, and that the Department does not hold any information with regard to occupational pensions.

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I wonder whether the Department of Social Security might not have the information as far as occupational pensions are concerned. I would have thought that perhaps the Minister would have taken an interest in knowing whether the balance, which is 39, are with no income whatsoever or some income perhaps of some sort.

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The point I am trying to make here, Mr Speaker, is that we are talking about a group of Moroccan workers who have lived, worked and resided in Gibraltar probably for 40 years, or thereabouts, and I would have thought that some of the officers that he has, either in the Employment Service Department or the Social Security Department, would have been providing interviews to these Moroccans to ascertain whether they are destitute or they are not destitute.

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Can the Minister perhaps tell us whether any exercise has been done, or is intended to be done, to ascertain whether there are 39 Moroccans who are registered as unemployed, trying to find a job on the basis that they have no money whatsoever, or some small amount of money, as an income?

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**Hon. J J Bossano:** The answer is no, there is no exercise being done, or intended to be done, or has ever been done.

Presumably, it is not that when the hon. Member ceased to be a Minister everybody became destitute. Either they were destitute the day after the Election and the day before, or they are not now.

I have never known the Department to ask people, when they become unemployed and they turn up at the counter looking for work, 'Are you destitute, or are you not destitute?'; and if we did, I do not see why it should be based on nationality.



1950 **Hon. J J Netto:** Mr Speaker, whether based on nationality or not, I would have thought that, as a so-called socialist, he would have had his interest at heart in knowing whether there were people who are destitute with no income at all, particularly so, given that he is the Minister for Social Security and Employment.

1955 **Hon. J J Bossano:** To my knowledge, so-called socialists are not people who are interested solely in destitute people provided they are Moroccans.

The hon. Member seems to think that somehow we should be asking people something we have got no reason or right to ask. If somebody is destitute, they do something about it themselves.

1960 As far as I am concerned, it is quite possible that there are people in Gibraltar who are not getting Social Assistance and are not seeking Social Assistance, but I have already told him that there are two of them who are in receipt of Social Assistance. To my knowledge, in the 15 years that they were in government, in the eight years we were there before, and in all the years that the AACR was before us, nobody went out canvassing people to ask for Social Assistance if they did not do it voluntarily.

**Mr Speaker:** Any other questions?

1965 **Hon. J J Netto:** Yes, Mr Speaker.

With the information that the hon. Member has already provided me in the previous question, we find, for instance, that there are four Moroccans aged 60 registered unemployed, there is one aged 61, there are 12 aged 62, there are 10 aged 63, there are eight aged 64, one aged 66, two aged 67, one aged 68, one aged 69, and two aged 72.

1970 Given the advanced age of these particular individuals, one would have thought that the only reason why they are still going there to get registered and signing on as unemployed is because... The most obvious reason is that they have no income whatsoever, or very little income at all, which is probably not the case perhaps with Gibraltarians, because Gibraltarians, given this particular age, will be entitled to a number of benefits that the Moroccans are not entitled to.

1975 Does the Hon. Minister not feel, given his credential as a socialist, that there is a need to ascertain whether there are people in Gibraltar who worked in Gibraltar, who reside in Gibraltar, contributed in Gibraltar, paid their taxes, paid their social insurance, who are destitute – or not? Does he have an interest about it?

1980 **Mr Speaker:** [*Inaudible*] ... old age pensioners.

**Hon. J J Bossano:** Mr Speaker, I know, clearly, that the hon. Member thinks that I am more of a socialist than he is. That is quite obvious from his questions.

1985 **Hon. J J Netto:** No, I do not think that at all.

**Hon. J J Bossano:** Well, I think he does, because he says why is it that I, as a socialist, do not do something that he, as a socialist, did not do in the four years he was there.

1990 The Moroccan who is 72 now was 71 a year ago and was destitute already and he was the Minister – so why did he not do it when he had the chance to do it, if it is such a socialist thing to do? And if they are people who have been here all their working lives, how come they do not have an old age pension?

1995 I am surprised there is only one with an old age pension. I would have thought that if we have 42 people who have been 40 years here, as he claims, they would all in 40 years be entitled to an old age pension. But I can tell him that these are not people who have appeared after 2011; they are people who were there before 2011 and therefore all the things that he is telling me I should be doing as a socialist are things that he could have done and chose not to do. I do not criticise him for it, because to my knowledge nobody ever has done it before, here or anywhere else. Where there are other countries with socialist Ministers of Employment to my knowledge, they do not go out canvassing the unemployed to see if they are destitute and want money.

2000 **Hon. J J Netto:** Well, Mr Speaker, I am not going to dwell too much on the question of who is the socialist but I can tell you, as a supplementary question –

2005 **Mr Speaker:** I do not think we need to debate the degree of socialism of any hon. Members.

**Hon. J J Netto:** No, Mr Speaker, but if I may, the one thing that I did as a socialist when I first got elected as Employment Minister in 1996 was to lift the instruction that he had left in the ETB then not to regularise the position between 200 and 300 Moroccans who had jobs but he had given instructions that

2010 they should not be established and registered as employed. That was one of the things I did as a socialist and one of the other things I did also as a socialist –

**A Member:** That is not a question.

2015 **Mr Speaker:** Does the hon. Member have a question?

**Hon. J J Netto:** Yes, Mr Speaker, I do and I apologise. (*Laughter*)

2020 Moving on, Mr Speaker, to Question 173, in relation to the Disability Allowance application, he keeps saying in his answer that he feels that there is a need for the criteria to be looked upon. Could he perhaps expand on what he means that the criteria have not worked well which gives rise to the applications being considered for such a long time and by when he will be in a position to determine new criteria, if new criteria are indeed required?

2025 **Hon. J J Bossano:** Well, it is not that new criteria are required; it is that there are no criteria. That is to say that, as far as I can make out, whether the answer is yes or no to a claim for Disability Allowance is where there is discretion, which is if it is not at birth. If it is birth, it is mandatory and if it is not at birth, it is discretionary.

2030 I have not been able to find out from the Department what were the sort of boxes that needed to be ticked for the answer to be yes or for the answer to be no. The only thing that we have been able to find in the system that was introduced in 2007 by the Hon. Mrs Del Agua, when she was in office, is the one that says that the payment of the allowance shall be suspended if the disabled person is employed in a full-time employment.

2035 Now, that is the only criterion that really says if you are in full-time employment, the answer has to be no, because if you are taking it away from the person who is getting it, then logically you cannot be giving it to the people who are not getting it because they are in full-time employment.

2040 Apart from that, the guidelines that are available, for example, say that somebody who is attending St Martin's and St Bernard's Occupational Therapy or an approved disabled children centre outside Gibraltar on a full-time basis qualifies for the allowance, so that is one criterion. Right. If they are in those institutions, they qualify for the allowance. If they are not working they qualify for the allowance.

2045 But there is not a... For example, it talks about a severely disabled person, but it does not say what constitutes 'severely' disabled and what constitutes less. These are not things I think that we can judge, so we need to have a situation where there is a set of guidelines which then, if somebody says, 'Well, why has the answer been no in my case and yes in some other case?', we can give some kind of explanation.

2050 The only guideline that I have got, which says, 'The following are the disability criteria as defined in the discretionary social assistance arrangement' was introduced in 2007. Before that apparently there was nothing at all and here, the only thing that is clear in these criteria is if you are working, you do not get it.

2055 **Hon. J J Netto:** Mr Speaker, I mean from recollection the criteria that the Department used to have was that when an application for Disability Allowance was placed at the Department, basically what the Director of the Social Security Department used to do is to refer that application to a board of medical people, basically to determine the extent of the severity of that disability. Based on the report by the medical professionals, the Director would either confirm yes or no in terms of providing the Disability Allowance. I think it was as simple as that.

2060 I can also accept that with the passage of time, nowadays there are many other sorts of illnesses, that perhaps, when the original criteria done, may have changed and needs to be considered. But other than the possibility that when the Director of the Social Security Department may refer the application to this particular panel of doctors, right, and the doctors, for their own specific circumstances in St Bernard's Hospital, may not be able to attend the meeting, therefore there is a delay on this, I just cannot see any logical reason why there should be a delay.

2065 I can accept that you may have to have – and quite rightly – an updated criteria on much more wider things that today are accepted as a disability. I accept that, but given the amount of applicants now and the time that they have been waiting for a result, I would have thought that for most of them, if not all of them but probably most of them, it would have been sufficient just to refer the matter to the doctors.

2070 **Hon. J J Bossano:** Well, this is going back to the original question, Mr Speaker, and the answer to the original question is the answer that I have already given.

I accept that the decision may have been delayed more than necessary because we are trying to see if the pattern of decisions in the past is an indication of what it should be, given that we would like to have something that is more, if you like ticking boxes rather than appearing to be personalised shall we say, which is something that some people complain of, but I have told him that in fact it ranges from one to 367 days. In looking down the list over the last four years, which I have done, before I came to the House

with this answer, as a general rule the ones that are decided very quickly is where the answer is no. So in most cases, the ones that took a very short time were because it was obvious that they did not fit in the pattern of previous cases, and the answer was simply no.

2075 The ones that possibly are more marginal are the ones that take longer and the ones that are very clear-cut may take less. But I cannot... All I can tell him is that I accept the point that we need to move on this and take a decision fairly quickly, but I cannot take it any further than I have already.

**Mr Speaker:** Any other question?

2080 **Hon. J J Netto:** Just one more, Mr Speaker, and then I will not be pressing any more than that. Perhaps he may not even have the information in front of him, but does he know when was the last time that the medical board met to consider the applications?

2085 **Hon. J J Bossano:** No, I do not have that information. I will find out. I have no knowledge of that.

**Long-term unemployed  
Number having served prison sentences**

2090 **Clerk:** Question 175, the Hon. J J Netto.

2095 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment say how many long-term unemployed persons – that is, being registered for more than one year – there are who have previously served a prison sentence and have had a history of addiction to drugs or alcohol, the information of which is collated by the Employment Officer, stating the period registered as unemployed and the assistance given by the Employment Service to help such persons obtain employment?

2100 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** None, Mr Speaker.

2105 style="text-align: center;">**WOPS  
Fulfilment of manifesto commitment**

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

2110 **Hon. J J Netto:** Mr Speaker, can the Government state if they have now fulfilled their manifesto commitment in relation to WOPS?

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

2115 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Yes, Mr Speaker.

**Hon. J J Netto:** Can the Minister provide the details, then.

2120 **Hon. J J Bossano:** Well, the details are, Mr Speaker, that the manifesto commitment was that we would reintroduce a scheme for the current civil servants if there was an interest in that and there is no interest and therefore there is no need to do it. Nobody is interested in the current Civil Service and the people who had opted out previously would be given an opportunity to come back in again.

2125 So far I think we have had five or six of the 5,000 pensioners writing in saying they are interested in the possibility of returning the money, but they have not decided that they are going to return the money until they get told how much it is.

2130 The Treasury, of course, is engaged in calculating the manual process, because they have to go through each individual file, find out the year when the person stopped, find out how many years between stopping and retiring there have been, what would have been the amount that they had to pay if they had continued, plus the amount that they would have to give back that they have received and make an adjustment of 3% per annum for inflation. We think it is very likely, in fact, that the six pensioners concerned, all of whom are in fairly advanced years, will realise that for the life expectancy involved... The whole purpose of paying for something to make a provision for your widow, frankly, is only a sound

2135 investment if you die young and then the widow gets the money for a long time; but if you are in your late 80s or 90s and you suddenly have to give back thousands of pounds in the expectation that somehow you will pass away before your wife does, and she will get a pension that she otherwise would not have got, the figures do not look good. But people will still be able to do it if they want to.

2140 The difficult technicality is not in the payment, but in the calculation of how much they have to pay in, which is what is taking place now. But it seems unlikely that there is going to be anybody... Out of the six, there may be one or two towards the younger end of the age spectrum that may be marginally better off, but it is not...

I think if they had done it at an earlier stage in their lives, it would have made more sense to do it.

2145 **Hon. J J Netto:** First of all, I am grateful for that information, particularly with the former employees which are now retired, but I suspect, Mr Speaker, that there is some kind of miscommunication taking place, because the only reason why I raised this particular question in the first place is because some of the pensioners, particularly some of the pensioners in the Gibraltar Pensioners Association, have said that they have found themselves not knowing where to go, because when I first originally asked this question 12 months ago, at that time I think the hon. Member, the Minister said they would have to address their concerns to the Human Resources Department, which they did – this is what they are telling me – and they actually wrote to them. After a couple of months, insisting that they wanted to know what was the scheme going to be like, in terms of considering their options, the Human Resources Department then referred the matter to the Financial Secretary, then the pensioners tried to pursue it through the Financial Secretary and then ultimately – this is what I am told – the Financial Secretary has said no, this has got to go back to the Minister himself.

2155 So can I just suggest to the Hon. the Minister that to be able to ensure proper communication between what is happening and by whom to the former employees, that at the very least he may, if he has not done it yet, provide a meeting to the Gibraltar Pensioners Association to inform them exactly what is happening, and then for them to consider whether it is something they want to take forward or not.

2160 **Hon. J J Bossano:** The people that have actually shown an interest in this have actually written to me about it and I have made sure that the Treasury Department is working on this.

2165 I think part of the problem is, of course, that they think it is taking a long time and it is simply not an easy thing to do. It has got to be done one by one manually and you have got to do the calculation for each person. It is a good thing there are only six, because if there were 5,000 asking for this, it would be an impossible task.

But in any event, they have already got an appointment to see the Chief Minister on this one and I have no doubt that they will go into the whole thing at great length.

2170

**Government Debentures  
Redemption of Gibraltar Savings Bank Debentures**

2175 **Clerk:** Question 185, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister explain the policy behind the recent offer to holders of Government Debentures to replace those holdings with corresponding Gibraltar Savings Bank Debentures?

2180 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Mr Speaker:** Question 185, on the Gibraltar Savings Bank.

2185 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this question together with 186.

2190

**Government Debentures  
Replacement with Gibraltar Savings Bank Debentures**

**Clerk:** Question 186.

2195 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please explain why the letters dated 1st February this year to holders of Government Debentures maturing on 31st December 2015 contain notice of the Government's intention to redeem those Debentures in full if none of the options contained therein are chosen by the holder, but the letters to Government Debenture holders dated 20th December 2012 in respect of Debentures maturing on 31st December 2013 do not contain such a notice?

2200 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Yes, Mr Speaker.  
The policy of the Government is to redeem existing Government Debentures and not offer any new issues. These are repaid in cash from Consolidated Fund reserves. As has been the practice in the past, holders are given the opportunity of reinvesting part or the whole of the proceeds in Debentures usually offering equivalent or better terms.

2205 The replacement Debentures will now be Savings Bank issues.  
The Debentures that mature on 31st December 2013 would have been repaid in full on that date if no one had opted for early repayment in response to the letter dated 20th December 2012. There was no need to provide six months' notice because the early indication from the holders was that the options provided for reinvestment were likely to be taken up by the vast majority and, in any event, giving notice would only have brought forward the redemption by a few months.

2210 In the case of the 31st December 2015 redemption, since the early repayment involved a longer period, it was necessary to indicate to the holder that the intention to redeem the Debentures and repay the amount in cash was the policy that the Government is pursuing, so they would know where they stood.

2215 **Hon. D A Feetham:** Yes, Mr Speaker, I knew that the hon. Gentleman would sooner or later conduct a palace coup, but it has taken me by surprise that he has conducted that coup as early as just over a year into this term.

2220 But Mr Speaker, can I ask the Hon. the Minister for Enterprise what the total value of the Debentures to be potentially transferred into the Gibraltar Savings Bank by these two transactions was at the end of last year.

2225 I ask that question. I should have prefixed it with this: the Principal Auditor's Report of 31st March 2011 said that the total value was £29.1 million. I suspect it is already very close to that, but obviously there may have been people who have redeemed in the intervening two years, so I do not know the exact figure. Does he have that figure to hand?

2230 **Hon. J J Bossano:** No, let me just first answer the first part of his question. He is mistaken in thinking that I am planning a coup, but I accept that if I ever decide to have one, I will go to him for advice because he is the master! *(Applause)* Sometimes his coups do not work and sometimes they do. I can think of two examples, one where they did not work and one where they have! *(Laughter)*

2235 I think the figure is probably higher than that, but I cannot tell him off hand whether it is or not. But he is wrong in... I mean he is wrong... Strictly speaking, he is saying, look, we are sort of transferring the thing because at the end of the day, if people have no –

**Hon. D A Feetham:** Potentially, I said, it should be transferred.

2240 **Hon. J J Bossano:** Yes, but the point is that, of course, the obligation is to pay cash and therefore people can either re-invest or not re-invest, but there is no... we are not... As far as the Government is concerned, the background to this is that in 2005, when the then Government took the decision to stop the Debentures being issued by the Savings Bank and instead decided to move them to being issued by the Government – for many years they had been from the Savings Bank – I think one of the elements in it which made sense was that in the Savings Bank, for every £100 that you issued in Debenture you had to increase the reserves of the Savings Bank by £10. That is no longer the case but that meant of course that  
2245 if there was £200 million of Debentures from the Government, you had £200 million in the reserves. If that had been in the Savings Bank in 2005, they would have required £220 million. Therefore the answer is that it is not because we need to attract this money into the Savings Bank that we are offering the alternative, but because we accept that the rationale, as it was explained in Parliament, was to provide a savings vehicle that gave a more attractive rate of interest than was available in the market. We feel,  
2250 therefore, that we must continue to do that particularly for those who have enjoyed it until now. It may not always continue to be so.

**Hon. D A Feetham:** Yes, Mr Speaker, my old friend, Mr Bossino was actually agreeing with you on your successful coup part of it, Mr Speaker! *(Laughter)*

2255 The Hon. Minister has not answered the question, with respect. I prefixed, I used the words 'potentially to transfer'; perhaps I should have asked the question in these terms: what was the value of the Government Debentures in respect of these offers as at 31st December of last year? Does he have the figure of the value of these debentures as at that stage?

2260 **Hon. J J Bossano:** No, but I think it was much higher than the figures he has mentioned – probably twice as much. I think it would probably be closer to £60 million than to £30 million, the two of them combined. I think, pretty sure.

2265 **Hon. D A Feetham:** And, Mr Speaker, does he have a figure in terms of the value of those people that have chosen to transfer into the Gibraltar Savings Bank?

**Hon. J J Bossano:** Probably around 50 out of the 60, and that does not mean that the remaining people will not, because we have told them that we are going to give them six months' notice anyway.

2270 **Hon. D A Feetham:** Does he accept that the effect of the transfer into the Gibraltar Savings Bank is a reduction in public debt by effectively £60 million?

2275 **Hon. J J Bossano:** Well, first of all, it is not a transfer; it is a repayment of public debt – something which I would remind him he felt quite strongly about in 2003. Maybe he does not remember the debate we had on the radio, but I do. On that occasion, he was in fact very critical of the former Leader of the Opposition, who wanted to repay debt by issuing debt and argued that it was not the right thing to do.

So in fact what we are doing is something he believed in very strongly in 2003, when he had a much more conservative view of public debt.

2280 The effect of it is that the reserves will go down by £50 million and the debt will go down by £50 million, and there will be zero effect.

2285 **Hon. D A Feetham:** Yes, in fact the debt goes down by £60 million, because only £50 million has been transferred to the Gibraltar Savings Bank, but £60 million has actually been redeemed – was the answer he gave me.

**Hon. J J Bossano:** £60 million, yes.

2290 **Hon. D A Feetham:** So it is £60 million, sorry yes. He has obviously misunderstood the point that I was making in the radio debate, because the point I was making there was that the public debt, the gross debt was £78 million; that the borrowing limit at the time in terms of the statutory borrowing limit was £100 million; and that if you took into account off-balance sheet transactions, such as PFI arrangements in relation to the hospital, it probably took you over the £100 million. Indeed, in light of the debate that is taking place in the United Kingdom and most experts now agree that PFI arrangements should be on-balance, not off-balance sheet transactions, I was right in relation to that debate and I was not wrong. That is the point that I was making.

2295 But Mr Speaker, does he accept that although that amount no longer appears as public debt in the Government accounts, the Government continues, effectively, to be responsible for the £50 million that has been transferred in to the Gibraltar Savings Bank, by the fact that the Government effectively guarantees all monies within the Gibraltar Savings Bank?

2300 **Hon. J J Bossano:** Well, to the same degree that it was responsible for the £200 million in the Savings Bank when he was in office, yes.

2305 **Hon. D A Feetham:** So does he not accept that insofar as these transactions involve a reduction of public debt in the sum of £60 million, £50 million of which has been transferred to the Gibraltar Savings Bank, that it is a reduction by virtue of transferring from the left pocket of the Government into the right pocket and as far as an exercise in the reduction in public debt is concerned, it is a pretty meaningless exercise?

2310 **Hon. J J Bossano:** Well, I do not think it is a meaningless exercise, unless the Opposition now has moved to say that any money deposited in the Savings Bank is public debt. If that is what he is saying... He is now considering that all the money in the Savings Bank is public debt. The fact that the money is taken out of the Government Debenture or is taken out of a deposit account in Barclays Bank and put in the Savings Bank does not alter the definition of public debt. It is not the source of the money; it is the fact that it is a charge on the Consolidated Fund and what we are doing is that the reserves will be smaller

2315

and the debt will be smaller, obviously, and therefore the net position remains the same. That is what we are doing.

2320 The hon. Member seems to be saying that the net position does not remain the same, that we owe £50 million more. I do not agree with him.

**Hon. D A Feetham:** Well I am afraid that, it is a clever answer but that is not the point that I am making nor –

2325 **Hon. J J Bossano:** What is the point?

**Hon. D A Feetham:** He knows that it is not the question that I am asking.

2330 Does he not accept that the transfer into the Gibraltar Savings Bank transfers... effectively, it involves taking out of the figures of public debt, in terms of the Government accounts, that £60 million, but effectively transferring £50 million into the Gibraltar Savings Bank, whilst it does not appear as public debt because it appears only in the accounts of the Gibraltar Savings Bank, the Government still guarantees that money and insofar as it involves an exercise of reduction in public debt, it is a pretty meaningless exercise? That is the question.

2335 **Hon. J J Bossano:** Well, it is a question which makes no sense at all. That is the point I am trying to get him to understand, Mr Speaker, because if he is saying, if the money used to be borrowed by the Government from me and I get paid back that money and I put that money in the Savings Bank, it is a meaningless exercise and the public debt is the same.

2340 Well, if the public debt is the same, then it means that if I take my money out of an account with a bank down the road and I put it in the Government Savings Bank, the public debt has gone up. No, so he is now saying – which presumably would require us to redefine in the law the public debt – that public debt consists of the money that is charged onto the Consolidated Fund and the money that people take out of the Consolidated Fund because they get their Debentures repaid and then choose to reinvest that money in the Savings Bank of Gibraltar, as opposed to the Barclays Bank or any other bank in Gibraltar. Well, the answer is no, I do not agree with him. I do not think it is a meaningless exercise. In fact, it was never thought to be a meaningless exercise before.

2345 I have already reminded the Member that part of the rationale of moving the money from Savings Bank Debentures, which it was until 2005... Up to 2005, it was the Savings Bank that was doing it. After 2005, the Government issued a press release in 2005 announcing that they were discontinuing Savings Bank Debentures and instead issuing Government Debentures. Now that was not because they wanted to increase the public debt and that was their philosophy – at least that is not what they were saying then. What they were saying then was that, look, this is money that we are not borrowing because we need it, because the money will be put into the reserves and cannot be touched; it is money that simply because the Savings Bank says that for every pound that somebody puts in the bank, the bank has to have £1.10, but whereas if it goes into the Consolidated Fund reserve, you do not have to have, that you have £1 for £1, it means that the Government does not have to tie up capital in the reserves of the Savings Bank.

2355 That was true until several years later, the Government came to the House and decided to do away with the reserves of the Savings Bank, so the rationale of the advantage of doing it from the Consolidated Fund was in fact no longer applicable. Because it is no longer applicable, there is no longer that reason there and therefore in our view, we should only borrow money as a Government because we intend to spend it, not borrow it in order to put it into a cash reserve that cannot be touched.

2360 **Hon. D A Feetham:** So, Mr Speaker, is it not the case, is it not the position that when we were effectively at the sharp end of criticisms on the level of gross public debt last year – ?

2365 **Mr Speaker:** Look, we are now debating the level of public debt. (*Interjections*) The question about the notice that was given to debenture holders, letters written to them and a question on the Government, what is the Government's policy to replace... now is becoming a debate on public debt. I would invite hon. Members to debate the question of public debt whenever they want to, but not under the guise of this question.

2370 **Hon. D A Feetham:** Mr Speaker, it is an integral part of –

**Mr Speaker:** It is and it is not.

2375 **Hon. D A Feetham:** Well, of course it is, because –

**Mr Speaker:** If it is an integral part, the Hon. the Leader of the Opposition could have put a separate question on the question of public debt – which he has chosen not to do.

2380 **Hon. D A Feetham:** No.

**Mr Speaker:** – which he has chosen not to do, which he has chosen not to do.

2385 **Hon. D A Feetham:** Mr Speaker, I have asked in my first question to explain the policy behind recent –

**Mr Speaker:** Right and that has been explained and there was no reference, in explaining that, to public debt.

2390 **Hon. D A Feetham:** But, Mr Speaker, it is our position that effectively (**Mr Speaker:** Fine.) it has been in exchanges –

2395 **Mr Speaker:** Fine and I allow you to debate, I allow you to debate that position. If you want to debate that position today, on the adjournment, I will allow you to do that; but what I am not going to allow is a continuing debate. You have now had 15 minutes on the public debt. I am not going to allow a continuing debate on public debt, because you are going to debate it today, you are going to debate it in May, you are going to debate it when the Estimates of Expenditure come.

2400 At any time that the Hon. Leader wants, I invite him, bring a motion on the question of public debt and allow other Members of the House to contribute to that, because when you have a *mano a mano* between two of you, you are effectively denying the right of other Members to take part in a debate. That is what you are doing and that is contrary, certainly to the practice in the House of Commons. It is contrary to that practice.

2405 I have allowed... The hon. Member cannot say that I have not allowed him five or six questions on the public debt. I have.

Yes, I am sure...

2410 **Hon. P R Caruana:** Mr Speaker, I wonder if I could be allowed to rise from my seat on the back bench to ask the hon. Member... and being careful to limit my questions to supplementaries that relate to the original subject. If I could rise from my seat on the back bench to ask him whether he had the pleasure of watching the Leader's debate on the eve of the voting at the last General Election and whether he might have been amused to hear me say, in that debate, that the then Opposition Party need not offer to take four years to reduce the gross public debt, because they could do that in four minutes, precisely by the mechanism that the question reflects.

2415 Therefore, my making the point – does he recall – that the relevant economic debate is not the level of the gross public debt which could easily and quickly be reduced by the very mechanism to which this question relates, and that therefore it was the *net* public debt that was relevant at the time?

2420 And, Mr Speaker, in that context does the hon. Member not agree that the exercise – I will not repeat it – that he has been debating, which I acknowledge is what has been taking place between the Leader of the Opposition and he, really demonstrates that whatever other purpose reducing the gross public debt in this way may serve, it does not alter the net public debt and therefore does not alter the financial situation of the Government of Gibraltar in any macro-economically meaningful way.

2425 **Hon. J J Bossano:** Well, I cannot agree that it can be done in five minutes because we have tried to do it in six months and they are attacking us for taking six months! (**Hon. P R Caruana:** Figure of speech it was [*inaudible*]) I suppose if the GSD is in Government, five minutes is okay and if we are in Government, six months is too little!

2430 I agree with him that this has the effect of making the gross debt smaller and therefore it does not have the effect that was being suggested by the Leader of the Opposition that the gross debt is now being transferred to the Savings Bank –

**Hon. D A Feetham:** That is not not the point that I was making.

2435 **Hon. J J Bossano:** But it will have no effect on the net debt because in fact the amount that gets repaid will be reduced on the balance sheet, as it were, from owing £60 million and having £60 million in the kitty, to owing £60 million less and having £60 million less. The results will be less.

But we expect to be able to reduce the net debt as well.

**Hon. P R Caruana:** That will be a different [*inaudible*].



2440 **Mr Speaker:** Any other questions?  
We will now have a recess of 20 minutes.

*The House recessed at 6.05 p.m. and resumed its sitting at 6.25 p.m.*

2445

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

2450

**Student teacher's year in Gibraltar  
Application process**

**Clerk:** Question 187, the Hon. Mrs I M Ellul-Hammond.

2455 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise what the application process for those wishing to do a student teacher's year in Gibraltar is and what allowance is payable to them?

2460 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2465 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, students wishing to participate in the student teacher year in our schools have to apply in writing to the Director of Education. The programme will usually commence in October after an induction session delivered by one of the Education Advisers. Suitable placements are identified according to the applicant's qualifications and experience. The allowance payable is £156.75 per week, which is the same as other trainees in Gibraltar get.

2470 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is this year in Gibraltar a requirement before embarking on a qualified teaching course, either a degree in education or a PGCE?

**Hon. G H Licudi:** As far as I know, no it is not, but some students do take the advantage of applying for the student year, either before going to do a B.Ed. or even after a degree and before going on to do the PGCE and I understand we have currently a total of 11 student teachers in our schools.

2475 **Hon. Mrs I M Ellul-Hammond:** And Mr Speaker, how does the year work? Is it two terms in the preferred either primary or secondary sector and one term in the other sector, or does the Director of Education decide or the student decide?

2480 **Hon. G H Licudi:** Mr Speaker, as the original answer says, the placements are identified according to the applicant's qualifications and experience and depending on what the applicant wants to do. I do not have specific information as to how the allocation process in fact works, but I will be happy if the hon. Member wants to write to me to provide the information to her.

2485

**Maintenance Court Orders  
Number in breach for non-payment**

2490 **Clerk:** Question 188, the Hon. J J Netto.

2495 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many Maintenance Court Orders are in breach for non-payment since this question was asked in Question No. 456/2012, broken down by sex and length of time, and in how many of these cases are the courts intending to enforce the Order in accordance with Part V of the Magistrates' Court Act?

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

2500 **Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Magistrates' Court currently has 78 Maintenance Orders on its records. The court is aware that 17 are currently in breach. Of the 17 in breach that the court is aware of, the breach is due to non-payment by males. Out of these 17, five have active court dates; one has a warrant out for arrest for non-appearance; one has an Enforcement Order from the Magistrates' Court in place; and three have Default Warrants. The remaining seven are currently pending review.

2505 The list of arrears of these seven is as set out in the table that I am happy to pass on to the hon. Member.

Mr Speaker, I should clarify when I say the list of arrears, it is the list showing the length of time in breach in respect of arrears.

**ANSWER TO QUESTION 188/2013**

Breakdown of Maintenance Order breaches known to the court, by length of breach  
(as at 1 February 2013)

2510

Number of cases	Length of time in breach
1	1 month
3	2 months
1	3 months
1	5 months
1	8 months
<b>7</b>	<b>Total</b>

2515

**Hon. J J Netto:** Mr Speaker, perhaps the Hon. Minister can help me: I am trying to analyse the figures he has just provided me, with the previous figures from the last time I asked this question in May 2012. Now, in the new figures being provided just now, there is one person with eight months which is the length of time which is in breach. In the old figures, we have one particular person – this is going back to May 2012 – that the period of time was 148 weeks. Are we talking about the same person or is it a different person; and secondly, whether that is the person where an arrest warrant has been issued?

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**Hon. G H Licudi:** Mr Speaker, I do not have that specific information, but it seems extremely unlikely, if not impossible, that in respect of a length of time of breach in May 2012, which is the date the hon. Member has given of 148 weeks – which is almost three years.

**Hon. J J Netto:** One hundred and forty-eight weeks?

2525

**Hon. G H Licudi:** One hundred and forty-eight weeks: that is almost three years. Now the longest time in breach is eight months, so it cannot possibly be related to the same person. I do not know whether the warrant of arrest is in respect of that one.

2530

In any event, it should be said that the warrant of arrest has nothing to do with the length of time in breach. The warrant of arrest is following an order made for the person to appear in court and that person does not appear. It is not correlated to the length of time of breach; it is just that the court makes an order for appearance and the person does not appear.

2535

**Juveniles below 18 years  
Number appearing before the Courts**

**Clerk:** Question 189, the Hon. J J Netto.

2540

**Hon. J J Netto:** Mr Speaker, further to Question No. 805/2012, can the Minister for Justice say as at 31st January 2013, how many juveniles below the age of 18 have appeared before the Courts of Gibraltar broken down by month and including the following: (a) their sex; (b) their age; (c) the charge or charges; (d) whether the courts have found any of them guilty; and (e) the sentence passed, if any?

2545

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

**Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the information requested is set out in a table which I now hand the hon. Member.

2550

As I said in answer to Question 805/2012, the definition of 'juvenile' changed when the Criminal Procedure and Evidence Act came fully into force on 23rd November 2012. Therefore, in the table, the number of juveniles arrested up to 23rd November 2012 relates to persons below the age of 17 and since then, to persons below the age of 18.

**SCHEDULE TO QUESTION 189/2013**

Juveniles Charged to appear before the Juvenile Court - 1st September 2012 to 31st January 2013						
Month	Nº of Juveniles Arrested	Males	Females	Breakdown by Age	Juveniles Charged	If Convicted, Sentence Imposed
Sep-12	5	5	0	1 x 14 Years 2 x 15 Years 2 x 16 Years	Burglary - 1 Poss. of Drugs - 1 Poss. with Intent to Supply - 1 Taking a Conveyance - 1 Obstructing Police - 2 Breach of the Peace - 1 Common Assault - 1 Breach of Bail Conditions - 1	Conditional Discharge 6 Months - 1 Imprisonment - 1 Fines - 2 (€50 - €200) 12 Months to follow Probation Officers lawful instructions, class attendance and any work organised by Probation Officers - 1
Oct-12	0	0	0	0	0	0
Nov-12	0	0	0	0	0	0
Dec-12	5	5	0	1 x 13 Years 2 x 14 Years 1 x 15 Years 1 x 16 Years	Assault on Police - 1 Taking a Conveyance - 2 Obstructing Police - 3 Poss. of Drugs - 1	Fines - 2 (€30 - €50) C/D 6 Months - 3 15 Hours Attendance Centre - 1 No Separate Penalty - 1
Jan-13	4	4	0	1 x 12 Years 1 x 13 Years 2 x 17 Years	Poss. of Drugs - 3 Discharging or Casting Fireworks - 1	Fines - 2 (€50 - €100) (Fireworks Forfeited) C/D 12 Months - 2

2555

**Mr Speaker:** Next question.

2560

**Domestic violence  
Details of cases reported**

2565

**Clerk:** Question 190, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many cases of domestic violence have been reported to the RGP since Question No. 806/2012 to date, showing the number of persons affected by such violence, their age, sex, the number of persons arrested, if any, and the person's charged?

2570

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

2575

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, a total of 30 reports of domestic violence affecting 39 persons of which 30 were females and 9 were males have been made to the Royal Gibraltar Police from 13th September 2012 to 31st January 2013.

A total of seven persons have been arrested of whom two have been charged.

Not all 30 were subjected to actual physical violence.

2580

The ages of the persons affected are shown in the schedule which I now hand to the hon. Member.

**SCHEDULE TO QUESTION 190/2013**

Age of Persons Affected	No. of Persons
Age Not Known	12
4 Years old	1
8 Years old	1
9 Years old	1
12 Years old	2
15 Years old	1
19 Years old	2
21 Years old	1
22 Years old	4
25 Years old	2
27 Years old	2
28 Years old	2
30 Years old	1
32 Years old	1
34 Years old	1
43 Years old	1
45 Years old	1
46 Years old	1
47 Years old	1
59 Years old	1
<b>Total</b>	<b>39</b>

2585 **Hon. J J Netto:** There is one particular thing I do not seem to understand from the information just passed on, the schedule just passed on. Right at the very top, it says 'Age not known – 12'. Can the Minister perhaps provide some clarification what that means?

2590 **Hon. G H Licudi:** Mr Speaker, I am simply assuming for present purposes that when the Police have attended, they know in respect of these incidents 12 people were affected, but they have not actually taken down the age of the particular person.

**Hon. J J Netto:** Ah, because they have not been recorded.

2595 **Hon. G H Licudi:** It should be said that, although we have quite a number of reports, as I said in the original answer, not all these reports involve physical violence. In fact, most of them do not involve physical violence and that accounts for the fact that out of 30 reports, only seven persons have been arrested, of which two have been charged.

2600 **Mr Speaker:** Next question.

**Sexual assaults  
Details of persons charged**

2605 **Clerk:** Question 191, the Hon. J J Netto.

2610 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state if there have been any persons since Question No. 807/2012 who have been charged with sexually assaulting another person, broken down by month and provide the following information (a) the number of victims, their age and sex; (b) how many cases have now been heard in the courts or are waiting to be heard; (c) of those cases heard, how many have now concluded; and (d) the sentence of those found guilty?

2615 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2620 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there have been no persons charged with sexually assaulting another person since Question No. 807/2012.

**Mr Speaker:** Next question.

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

2625 **Hon. J J Netto:** Mr Speaker, can I have just a second to look back at some of my notes before going to the next question?

Mr Speaker, in relation to the answer provided back in September 2012, the hon. Gentleman said and I quote:

2630 '... from 1st January 2012 to 12th September 2012, a total of two persons have been charged with sexually assaulting juveniles. One person was charged in January 2012 with sexually assaulting one victim; and another was charged in March 2012 with sexually assaulting two victims. Court proceedings are still ongoing.'

2635 Can I ask the hon. Gentleman whether he knows if those court proceedings have now ended in relation to those particular cases he cited back in September 2012?

**Hon. G H Licudi:** Yes, Mr Speaker, he can ask and I do know. Those cases are still pending.

2640

**Pornographic pictures of juveniles  
Persons charged with illegal download**

2645 **Clerk:** Question 192, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many persons, if any, have been charged with the illegal download of pornographic pictures of juveniles since Question No. 808/2012, broken down by month and provide the following information: (a) the number of persons that have been found guilty in the courts and the sentence given; (b) the number of cases pending a hearing at the courts; and (c) the age and sex of those awaiting a hearing and of those found guilty?

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

2655 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there have been no persons charged with illegal downloading of pornographic pictures of juveniles since Question No. 808/2012.

2660 **Hon. J J Netto:** I am grateful, Mr Speaker, but perhaps can the Hon. Minister provide some information in relation to the last question which he was asked which was back in September, when he said then, and I want to quote him it correctly:

2665 'Mr Speaker, from 1st January 2012 to 12th September 2012, one person has been charged with the illegal download of pornographic pictures of juveniles. The person concerned is a 67-year-old male. Court proceedings are still ongoing.'

Can I therefore ask the Minister for Justice whether he is aware that this particular case is now finalised or is it still pending to be heard?

2670 **Hon. G H Licudi:** Yes, Mr Speaker, that case is no longer pending. The issue has been finalised. It was reported in the press very recently. It is public information, but I am happy to provide the relevant information, given that it relates to an earlier question.

2675 The person charged in respect of that particular period was sentenced in the Supreme Court, following a plea of guilty. In respect of count 1, which was possession of indecent photographs of children, he was given 18 months imprisonment gross or 12 months net, given that he had a third of the sentence reduced for his early guilty plea. On count 2, distribution of indecent photographs of children, the sentence was six months' imprisonment gross and four months net – again a third reduction for an early guilty plea. Count 3, distribution of indecent photographs of children: six months' imprisonment gross and four months net – a third reduction again for an early guilty plea. Count 4, distribution of indecent photographs of children: six months' imprisonment gross and four months net for an early guilty plea.

2680 All sentences were stated to run concurrently. Therefore the net sentence imposed was 12 months' imprisonment.

2685 **Hon. D A Feetham:** Mr Speaker, as a consequence of the recent sentence, there has been some debate and there has been some concern raised by members of the public in relation to suggested deficiencies in the law in terms of the length of sentence. Does the Hon. the Minister for Justice not agree with me that

2690 actually, post the Crimes Act and, indeed, post the Crimes Pornographic Materials Act which we introduced and was passed by this House unanimously, with the agreement of everybody in this House in 2010, there is no such deficiency and that in fact, in relation to distribution, for the very first time distribution over the last two years has been made a criminal offence and also the maximum sentences are 10 years?

2695 Now, I am not asking the Hon. the Minister for Justice to obviously comment on this particular case; I am asking him to comment on the law as it stands at the moment, in terms of possession of indecent photographs and also distribution of indecent photographs. It is certainly our view that the law as contained in the Crimes Act does provide for very tough penalties, regardless of what sentences judges impose. Does he agree with me that they are adequate and if not obviously, what does he intend to do about it?

2700 **Hon. G H Licudi:** Mr Speaker, as the hon. Member says, it is entirely inappropriate to comment on the sentencing by a court in any particular case and to say whether that reflected any inefficiency or deficiency in the law or whether it was right or wrong. Those are matters for the judge and it is not right that we should comment on that at this stage.

2705 What I can say is that the Crimes Act was brought fully into force in November 2012. It was debated during the time that the hon. Member was Minister for Justice. It does contain a comprehensive list of offences in respect of sexual offences, including sexual offences concerning juveniles. We are entirely satisfied that the law as it stands is adequate to meet the necessary requirements, in terms of giving the judges the powers that they need to have to deal, as they consider appropriate in the circumstances of any particular case, giving them the tools that they need and to show the revulsion that society has in respect of this type of offence.

2710 **Clerk:** With that, we come to the end of answers to Oral Questions.

## Questions for Written Answer

2715

### Answers to W18 to W31/2013 tabled

**Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

2720 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W18 to W31/2013 inclusive.

2725

### GOVERNMENT MOTION

#### Installation of video cameras into Parliament Chamber Motion carried

2730 **Clerk:** Government Motion, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

2735 *This House agrees, as part of the refurbishment of its facilities, to install video cameras to provide a live video and audio feed of its proceedings on its website and facilitate the transmission of that feed to the media.*

2740 Mr Speaker, this Parliament has changed *massively* since we were elected on 8th December 2011 and it is important to understand what those changes have been to date and how they have come about.

2745 First of all, as I have previously referred to the House at the Ceremonial Opening, we established that the address of His Excellency the Governor on a Ceremonial Opening should be dealt with in the style of the address by Her Majesty at the State Opening of Parliament – that is to say, as a speech that reflects the political programme that the people have elected in the General Election that precedes the creation of a new Parliament.

For the reason I set out in my first address to this House as Chief Minister, that was, in our view, a huge step forward and exactly as it should be in an emancipated environment where the Crown in Parliament gives effect to the will of the people.

2750 At that Ceremonial Opening, I indicated that we were also ready to start the process of making other changes to the day-to-day workings of this Parliament.

We have already introduced, very successfully, the practice of publishing legislation as Command Papers. That practice now allows for wider consultation on all new areas of legislation, even before such legislation is published as a Bill.

2755 In the 14 short months since we assumed office, we have consulted with the Opposition, drafted terms of reference for an Independent Commission on Democratic, Political and Electoral Reform, we have established that Commission under your chairmanship, the Commission has held meetings deliberated and reported and last month, I provided copies for the Members of this House and this month I have tabled a report so that the public can have access to your findings.

2760 And perhaps the biggest revolution that this community has seen in its democracy under my leadership of this House has been my convening of monthly meetings of this Parliament. That has truly, in my view, delivered real democracy to our community in the increased questioning and debating that it delivers.

2765 There is now a WiFi network for Members and journalists available in this House. Moreover, we now publish a parliamentary timetable so that Members opposite, the Press and the Public know when particular questions and matters are going to be dealt with. That, Mr Speaker, is a *massive* change from when we were in Opposition and we were not even told when we might adjourn to. I worry that this is sometimes taken for granted and I am being asked about timetabling, when in fact the timetable is already published by the House.

2770 All of that helps, in our view, Mr Speaker, nonetheless to open up the business and processes of this House to the general public. The culmination of that approach that we have taken to the opening up of our Parliament is the advent, finally, if the House approves it, of video broadcasting of the proceedings of the House.

2775 I said also during the Ceremonial Opening, barely 14 months ago, that I hoped that the cameras that were in the House then to film that ceremonial event would not disappear for the rest of the lifetime of this Parliament. Indeed, Mr Speaker, hon. Members will recall that in our Policy Paper on Parliamentary Reform, we had already stated before the Election that:

2780 'A GSLP/Liberal Government would, immediately after the Election, start the process of holding monthly meetings of Parliament for questions, legislation, Government and Opposition motions. This in itself will very probably require that the post of Speaker should become full-time and that there should be a Deputy Speaker appointed, including such additional support staff as may be necessary. In addition, a parliamentary timetable will be published on the first parliamentary day of each month, so that the public and MPs would know when items would be coming up for debate. There also clearly needs to be a Parliament website, independent of the Government's website, where all debates would be broadcast live on-line and archived. The proceedings of the House should also be televised on GBC TV or the Corporation's own website on the basis of consultation with the Corporation. The website would contain copies of *Hansard*, thus parliamentary questions and answers.'

2790 I am very happy, Mr Speaker, to say that the issue of a video broadcasting of the proceedings of this House has long been a personal desire of mine, in the process that I have referred to of opening up Parliament to take it closer to our people. In the first Budget session of the House in which I had the honour to speak in 2004, I took the view then and I quote:

'... that there also clearly needs to be a Parliament website independent of' –

2795 Oh no, that is the wrong quote! In fact, Mr Speaker, I said that then also in 2004:

'there also clearly needs to be a Parliament website independent of Government's own website where all debates will be broadcast and archived...'

2800 'As for broadcasting, we already do more than many of the other territories which only offer highlights of their Parliaments but we must not consider that enough. If GBC is to feature a blank screen or a three hour loop of repeats during the day, we can use that time when we are on in this House, to reach out to the people who put us here. In my personal view', I said then, 'we should assess the cost of televising the proceedings of this House and debate seriously whether we want to go down that road'. I recognise then, Mr Speaker, that that was 'not a partisan issue because I was conscious that I was then echoing the Hon Mr Azopardi's words in 2003, in what was his last budget speech', and I went on to say 'that I might not be speaking to the preference of everyone on the then Opposition benches. In fact, I think this may be an issue then, Mr Speaker, where the Leader of the Opposition and the Leader of the House then actually found themselves in agreement. The House must reach out through the media to its masters in the population. Not just at election times. We must make better facilities available here for members of the press, and we must not scrimp and save on that. It is too important.'

2805

2810 That was in 2004, Mr Speaker. I recognised then and I recognise now that the Hon. Keith Azopardi QC had already raised the issue the previous year in his final Budget address to this House in 2003, when he was Deputy Chief Minister. He had then said this:

2815 'One looks at the public gallery and there are not many people that come to this House and it should concern Members that that is the case, it certainly concerns me', he said, 'because this House should be in touch with the people and the people should be in touch with this House. The people elected the Members of this House and we need to encourage participation in the affairs of this House and we need to ensure that we communicate and transmit public information to the people and I am concerned that there is a level of disinterest and that has to do with the working practices of this House and I believe that we should take an opportunity to review the working practices of the House to make sure that we reach the people much more. It is a question of restructuring timings, of sittings, restructuring the way Question Time is set up and need I say also my personal view is yes, perhaps we should debate whether we should televise part of the proceedings of this House.'

2820 That is the end of the quote from Mr Azopardi.  
2825 Neither he nor I, Mr Speaker, found favour with the then Leader of the House, but I continued to press the issue.

During the course of the Budget debate in 2006, I pursued the matter further, stating that:

'... we as a Parliament should very seriously consider the broadcasting of the proceedings of this House. Indeed,'

2830 – and I now quote, Mr Speaker:

2835 '...when I say broadcasting I mean video broadcasting. In order to stimulate debate on the issue I am considering moving a motion at the next meeting of this House on the issue. Even if only for a few news report snippets or some appropriate 'specials', or live daytime transmissions when the House sits. My views are firmly in favour of clearing out the cobwebs and allowing in the cameras. I am speaking for myself in this respect. Indeed it is now over 20 years since video killed the radio star, everywhere except in this House. Indeed, I think it is fair to say that we are now probably the only European democracy that bars television cameras from showing our constituents our faces whilst we argue or agree. Voters are limited to judging our temperaments from interviews but are prevented from seeing our interactions in this heart of our democracy. No wonder we are left alone to our debate. Let us face it, these days if it is not worth televising, it cannot be worth watching live. Indeed even for this debate'

– the Budget debate that it was, Mr Speaker –

2845 'even for the *plato fuerte* of the Chief Minister's Budget address and the Leader of the Opposition's reply, we have been joined almost by no member of the public. I believe that we as a Parliament must reach out collectively to our community and we cannot do that without allowing the cameras into our Chamber.'

That is the end of that quote.

2850 Mr Speaker, I would be delighted to take the House through some more of my Budget interventions, but I think what I have already stated illustrates sufficiently the fact that this has been an issue that I have personally been pursuing for all the years that I have been in this House.

Hon. Members will know that your own Commission's Report has been clear and positive on the issue of televising parliamentary proceedings. In paragraph 2.13, the Commission has set out the following:

2855 'We have considered whether sittings of Parliament, or any part of them, should be televised. There has been broad support from responders for the televising of proceedings. We have concluded that the sittings of Parliament should be televised but not the proceedings of standing or select committees.'

2860 And then your Recommendation 17, which states the following:

'We recommend that consideration should be given to televising the proceedings of Parliament and we further recommend that in the event of a privatisation of the Gibraltar Broadcasting Corporation, the arrangements for the televising of parliamentary proceedings should be guaranteed.'

2865 In fact, Mr Speaker, let me just point out that there is no question in the plans announced by the Government that there might be any privatisation of GBC. That is not at all what our plans for the creation of this subsidiary of GBC, to be known as Gibraltar Entertainment Network, amounts to.

2870 Perhaps most interestingly, Mr Speaker, is the remark the Commission has set out that there is broad support from responders for the televising of proceedings. I have always considered that would be the case amongst the majority in our community. The fact is that, although there may not be many people who enjoy watching BBC Parliament quite as much as I do, and I am sure all other Members of the House, most of our community are now used to seeing excerpts of interventions by party leaders and other relevant parliamentarians on the daily news. There is therefore no doubt in my mind that the majority of our community are looking forward to being able to see the workings of this place in glorious  
2875 Technicolor when relevant and not just on ceremonial occasions.



2880 So, Mr Speaker, against that background, we are shortly to be in a position to deliver video broadcasting of this House as part of the installation of high quality video cameras during the refurbishment of this House which we are about to undertake. The concept that the Government's IT Department has recommended, having considered a number of different options, is one which involves installation of three high definition cameras. Two will be on opposite sides of the Chamber. I do not want to look like a stewardess on an aircraft, but two will be on opposite sides of the Chamber and will be able to show each side. These cameras will be installed as unobtrusively as possible within the furniture that is being installed as a result of the refurbishment.

2885 Another, the third camera, will be installed in an area of the Gallery, in order to show Mr Speaker and a wide shot of the whole Chamber. Zooming in will also be possible depending on manual operation or previously fixed default options.

2890 In the same way that the cameras will be integrated into the furniture, so will the new microphones be. The microphones will operate the cameras to the extent that the shot will change based on which microphones are on. The system will work initially on the basis that the camera will show the side of the House on which a person is speaking. If microphones are on both sides at any one time, the shot will move to the shot from the Public Gallery which covers the whole Chamber and Mr Speaker.

2895 The raw feed should in our view be available on the Parliament's own website – [www.parliament.gi](http://www.parliament.gi). The said raw feed will be made available also to GBC and any other journalistic entity recognised by Parliament. In the Government's view, it should nonetheless be Parliament that retains the copyright on all of the images and sound, as I believe is the case today in respect of our audio feed.

I understand that GBC have already started to consider with the Government's own IT Department how to take the best quality feed from here.

2900 I further understand that it is proposed that GBC will be provided with a fibre link so that they have the best possible quality feed. They may wish to transmit live when they have nothing else on their schedules, i.e. before 19.30 hours, or they may simply wish to put it on their website or both, Mr Speaker. Those, Mr Speaker, I consider are matters for the GBC to determine at this moment, but because it is a public service broadcaster, I have little doubt that the public will likely expect them to carry the feed at times when they are not otherwise transmitting scheduled programmes.

2905 Other journalistic entities may also wish to carry the live feed: the *Chronicle*, *Panorama*, *New People* or *Vox*. All have websites which they may wish to have this raw feed feature on. The Parliament should not deprive, in my view, any such entity of the raw feed.

2910 So, Mr Speaker, that deals with how we will film the proceedings and how the signal will be shared with the public by Parliament and more particularly with broadcasters and journalists. But how to regulate the use of these images is a matter of some complexity. There are already rules in place in respect of the Westminster Parliament. I can see that there is a lot there that we will not need to concern ourselves with, as it covers filming of Committees, Westminster Hall debates and the like, and I am grateful to you Mr Speaker for having provided information that was provided to the House by the Westminster Parliament.

2915 We can derive some guidance, Mr Speaker, on the subject of broadcasting of debates in the main Lords and Commons Chambers and the rules which apply there and I think that is very useful indeed. There are actually Rules of Coverage at Westminster that seem to be helpful in some of the parameters that they set out on how images should be framed, for example.

2920 I am going to propose that we should adopt some parts of those rules at the next sitting, by way of another motion that I hope will be the subject of agreement across the floor before it is put. We cannot, however, do that exercise until we have the cameras up and we can define the angles of coverage properly.

2925 For example, Mr Speaker, it may not be possible to insist on a head and shoulders shot in some instances, which is what the Westminster rules provide for, but from what I have seen, we will be able to frame some rules around the Westminster model. Also, we need to remember that in this Chamber, we also do some of our work sitting down in Committee Stage, especially at Budget time and that may require some amendments to the angles of cameras, which may need to be manual and at times the ushers may have to assist in the way that the cameras are moved.

2930 There therefore remains a lot of technical work to be done, which will require input from the contractor and the IT Department. That work will have to start in late April, when the main refurbishment works in this Parliament have been completed, according to the timetable that we have been provided with and the technical adjustment work can then start in earnest.

2935 Mr Speaker, we are on the cusp of a transformational moment for our community and our Parliament. This is a *hugely* exciting time for our community. The democratic leadership we are providing is opening up this place to everyone in every way, whether it be timetabling the things that happen here so people can tune in or opening this place up by making it truly accessible, as we have said we will do in the second phase of the refurbishment, this Government is opening up Parliament and that is better democracy.

2940 As we do that, Mr Speaker, I trust we shall be able to count on the support of Members on the other side of the House, despite Members opposite having previously not necessarily been in favour of allowing cameras into this place. There is no need now, Mr Speaker, to exclude cameras. There is no need, Mr Speaker, for us to remain a Parliament that transmits only by audio by medium wave with an almost constant interference. There is no need, Mr Speaker, to stay stuck in the past, if technology can bring us closer to our people and perhaps, Mr Speaker, with the advent of video, all hon. Members may also, myself included, at times when tempers flare, have some thought for moderation as we will be seen by all those who wish to tune in.

2945 Mr Speaker, for all of those reasons, I have great pleasure in commending the terms of this motion to the House.

2950 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Chief Minister.

**Hon. D J Bossino:** Mr Speaker, this side of the House will be supporting the motion as moved by the Hon. the Chief Minister.

2955 I recall as a young man with a keen interest in politics when the possibility of televising the proceedings of the House of Commons was resisted by the then Prime Minister, now Baroness Thatcher. She opposed the reform and raised concern for the good reputation of the House. MPs were concerned about television trivialising Parliament and shied away from broadcasting on many occasions in the 1960s and the 1970s, when there were three or four attempts to do so.

This House, Mr Speaker, will not find such objection or concerns from the Opposition.

2960 As a party which believes in and values openness, we welcome this initiative and the motion which is the catalyst for it. Broadcasting of parliamentary proceedings form part of our Election Manifesto which I, along with the other GSD candidates, defended at the last General Election and before then, it featured in the previous Government's motion brought in the name of the former Chief Minister.

2965 Parliamentary proceedings which are quite properly open to members of the public in the Public Gallery and can be heard via the airwaves should also, as a matter of course, be televisually available to that same public. It brings further openness and hopefully engages people more in the political process.

As is reported in the UK Parliament website and I quote:

'Televised proceedings led to a substantial increase in the number of news reports featuring the Commons.'

2970 And Mr Speaker, if I could just briefly read from page 10 of the House of Commons Broadcasting Committee on the Rules of Coverage, which is the First Report of Session issued in 2002-03, where it says:

2975 'We are also conscious that great efforts are being made to re-engage the general public in politics, to tackle voter apathy and in particular to interest young people in politics. The Modernisation Committee has also stressed the importance of making the House more accessible and said in its Second Report, Session 2001-02, and quotes from the Report...:

'It is important that the House makes maximum use of the TV media to convey a sense of the Commons as a working environment and a forum of serious and challenging debate.'

2980 All of these features, Mr Speaker, must be good things and we hope that they too will be the effect in Gibraltar of broadcasting to the public and our proceedings here. We therefore have no difficulty in supporting the motion.

2985 It is important to note that what the motion does is to allow and provide for the installation of cameras as part of the refurbishment of this House's facilities. Those are the terms of the motion. It is that discrete issue which this House is approving today.

2990 But Mr Speaker, and reference has been made to it by the Chief Minister, it is also important that we agree rules and guidelines to cover issues such as the nature of shooting and editing. This should be done as efficiently as possible by way, for example, of Select Committee, which I am confident would be able to quickly deliberate on these issues, possibly within the two-month break before the next sitting.

2995 The House of Commons Broadcasting Committee has produced rules of coverage which cover in a detailed but far from lengthy way broadcasting of both Houses of Parliament. And Mr Speaker, in the BBC website, it provides a very useful summary of what those rules of coverage include and they provide, for example, for no internal editing of speeches; when using two sections of a speech a definite break must be provided to make clear the two sections are not continuous; no speeding up or slowing down of the pictures or sound; parliamentary material can be used only in news and factual programmes or for educational purposes; no parliamentary recording may be used in light entertainment or fictional drama programmes or programmes of political satire. Parliamentary material may be used in the factual parts of magazine programmes, but must always be kept separate from musical, fictional or humorous items.

3000 The rules themselves, Mr Speaker, deal with issues such as picture direction and instruction on how  
events are to be treated. In more particular terms, they prohibit, for example, the showing of the Press and  
Public Gallery; the filming of disruptions in the Gallery; close-up shots of Members or officers' papers.  
3005 They provide for a standard format for depicting the Member who has the floor: in the House rules, they  
provide for example and the Chief Minister himself mentioned it, a head-and-shoulders shot and not a  
close-up.

The Report also made a reference to webcasting, which is likely to be, as the Chief Minister has  
already indicated, what the Government is proposing to do and in relation to that, Mr Speaker, if I can  
quote from the House of Commons Broadcasting Committee's Report, where it says:

3010 'The fixed nature of webcams means that most of the rules of coverage will not apply. However, the direction of the shots for a  
webcam might need to be defined in the rules of coverage and there should be further discussion on whether the public gallery  
should be shown in webcasts.'

3015 So there is still some work to do in relation to the rules, even if it is a webcasting nature.

Mr Speaker, given the nature of the services which have been outlined by the Chief Minister, these  
other points may or may not be relevant, but one of the issues which I had in my mind, when I first read  
the motion, are things like: is there anybody who will be directing the camera shots. Should the House  
employ a television director or camera operators to ensure that the service is properly provided?

3020 And Mr Speaker, I go back to the quote I attributed to Baroness Thatcher, that it is important that in  
order to ensure that the good reputation of the House remains intact that we, as a controlling party, should  
make every effort to make sure that this is the case.

Mr Speaker, I would also like to read briefly from page 3 of the Report I have been referring to  
throughout the course of my submission, which reads:

3025 'The rules of coverage were devised to ensure that the House retains control over how it was portrayed on television'.

This is something that I think we need to ensure ourselves here. They provide specific guidelines for  
picture direction and instruction on how specific events such as disorder are to be treated. Finally, the  
television director – in that case in the UK – should have regard to the dignity of the House and to its  
3030 function as a working body, rather than a place of entertainment.

Mr Speaker, I also refer to the Chief Minister himself, when he said in this House last year that the  
cameras were to be allowed in by agreement, when we were satisfied, and I quote:

3035 '... across the floor of the House that we have the necessary infrastructure to ensure that those watching will see more than just  
the top of our heads.'

We of course cannot be satisfied until the refurbishment works have been completed and the cameras  
installed, that the necessary infrastructure, in that sense, is there. What we should also be concerned  
about, however, Mr Speaker, is that the necessary infrastructure in terms of the rules are in place and that  
3040 that be achieved with consensus as quickly as possible, in order to quite properly bring the availability of  
what happens in this House to members of the public in a modern way.

Thank you, Mr Speaker.

3045 **Mr Speaker:** Does any other hon. Member wish to speak on the motion?  
If not, I shall ask the mover to reply, the Hon. the Chief Minister.

3050 **Hon. Chief Minister:** Well, Mr Speaker, may I first of all thank the hon. Gentlemen for the  
consensual way in which he has approached his Party's response to the Government's motion on this  
matter. He is absolutely right, of course, about what the terms of reference of this motion are: they are  
very restrained. They are very, in fact, constraining terms. This motion does *not* allow that the House  
should start televising its proceedings, for all the reasons I think I have dealt with and that he has also  
alluded to in his intervention.

3055 He has gone into more detail today on what it is that the rules provide for. He has given a flavour of  
what the issues that I think are relevant for the next motion should be and that is the motion where I  
believe that the House should be adopting those rules and I shall certainly be in touch with him to try and  
see whether it is possible for us to agree which of those rules from Westminster we need to be looking at  
in some detail and adjusting for the purposes of the Gibraltar rules.

3060 As I said in the course of my intervention, Mr Speaker, and I think he has recognised from the course  
of his intervention, fine tuning those rules is not something that can happen until we know exactly what it  
is that we can get. I think that we are very close to that, but because there is great specificity in the rules  
as to angles, etc, I think it is important, because of the nature of this Parliament, which is different to the  
Westminster Parliament, that we look at what we do and it maybe that we need to have one rule for

3065 normal debates and Question Time and one rule for Committees, where we are all sitting down at Committee Stage and the cameras may need to move or we may need to accept a different shot is going to be available in those instances.

3070 Mr Speaker, the hon. Gentleman is right to say that the then Leader of the House, Baroness Thatcher, then Prime Minister Thatcher, in 1989 was against the idea that the cameras should come into Westminster. They, I think, have proved an important part of bringing people closer to proceedings in the Chambers there have been performing for the cameras. I actually think that to an extent, in the early stages, the criticism was that Members felt constrained by the cameras. They were not acting up to them, but things appear soon to have got back to normal, in particular the rowdiness surrounding Prime Minister's Question Time.

3075 Mr Speaker, the hon. Gentleman referred also to Mrs Thatcher's concerns about the dignity of Parliament and whether the cameras should affect that. I think that we are more responsible for the dignity of Parliament than any particular piece of technology. I will put my hand on my heart and say that all of us, myself included, sometimes fail to live up to what each of us might on our cooler moments think is the required dignity that we need to bring to the debates in this House. I do not believe that technology actually pushes us in one direction of dignity or pulls us away from dignity.

3080 But if anything, as I said during the course of my intervention, I hope it will temper us, when we realise that we might be watched by 30,000 people or more, and not just by the few that have shown their support for our democracy by being in this Chamber when we debate, in the Public Gallery.

3085 So, Mr Speaker, all that said, I shall certainly pursue being in contact with him to try and agree those parts of which rules are relevant that we believe we can work on together, and perhaps even once the refurbishment is ongoing, which we see as a refurbishment of the House and it belongs to the House and not to any one particular party, be in touch with him to deal with that issue.

3090 If I may just deal with one particular point before I give way, the hon. Gentleman is right to say that there was a motion in this House in the dusk of the previous Administration that referred to televising and that the manifesto of the Party which he now sits within this House referred to televising of debates, but I do not think that it would be contested by the previous Chief Minister that... There were 16 years in which to do this and it was not done because the Party now opposite was not convinced at any time in those 16 years until the very end, that there might be some value in it, despite my encouragement that they should consider doing so, at least from the day that I got here and when their previous Deputy had even suggested that himself from this side of the House in 2003.

3095 But we welcome that they have changed their views on that and that they are now able to vote with the Government on this particular motion and before I sit down, I will give way to the Hon. the Leader of the Opposition.

3100 **Hon. D A Feetham:** I am very grateful to the Chief Minister.

In fact, may I say, just on some of the last points that he made that I personally stood for election on a platform of a commitment to televising Parliament in 2003 and, indeed, I had the privilege of forming part of a Government that brought a motion in 2010 effectively supporting the televising of proceedings in this Parliament.

3105 But, Mr Speaker, the rules of the House in terms of televising of parliamentary proceedings are going to be phenomenally important and effectively nothing can happen without those rules. If it is going to be dealt with, I do not think it is appropriate for it to be dealt with bilaterally between the Chief Minister and the Leader of the Opposition. My hon. Friend Mr Bossino suggested the establishment of a Select Committee. Can I urge upon the Chief Minister that idea: perhaps setting up a Committee of three people on our side and three people on his side, to actually consider the rules and not to get to a situation where effectively we get to a draft presented to Parliament which has only been considered by two or three individuals?

3110 I think there ought to be more than two or three individuals considering the question of the rules, before a draft is actually produced to Parliament, so that Parliament can vote upon it in a motion.

3115 **Hon. Chief Minister:** Mr Speaker, yes, the 2003 manifesto that he stood on – I believe at that time it was with the Labour Party – also contained the provision to introduce capital gains. I hope he is not going to change the GSD so much that they are going to start proposing that, because the effects on our finance centre might be as dramatic now, as it would have been then, if he had won!

3120 Well, Mr Speaker, look, if there is to be a Select Committee, then it will be set up on the basis of the standard manner in which Select Committees are set up.

The reason that I have suggested I should be in touch with Mr Bossino is because before we even get to that stage, I think there is a lot of work that can be done simply to refine what are a large body of rules into the rules that may be relevant to Gibraltar. It may be that the Government considers going down the route of a Select Committee. If I decide to do that, I shall certainly be in touch with him, (**Hon. P R**

3125 **Caruana:** If the hon. Member will give way.) but there are a number of issues that we can deal with, which I think everybody will agree with. This is not rocket science, from the point of view of what it is that needs to be agreed; neither, in my view, does it require six Members of the Parliament which involve three Ministers spending time considering issues which may actually be quite straightforward.

3130 But I recognise the Hon. the previous Leader of the Opposition.

**Hon. P R Caruana:** I am obliged to him.

3135 Mr Speaker, I always have had... and the Hon. the Chief Minister is quite right in saying that we had 16 years in which to do this and did not. I think that reflected principally my view that in a small Parliament like Gibraltar, having the cameras in here would just increase the extent to which we all played to the cameras, rather than got on with it. It is a view that I think has become old fashioned now and it probably is the right time for the House to do this.

3140 I do not regret not having done it, because I remain actually quite concerned about the effects that the cameras might have on our proceedings; but I recognise that the way that things have moved in other Parliaments, the practices, the incidence of instant information and instant footage of everything have moved in a way that makes it inevitable. I think it is therefore right and to be applauded that the hon. Members do it, now that they are in a position to do so.

I will of course, from my more humble seat on the back benches, support the Opposition's vote in favour.

3145 But if you will just allow me to say something in half jest, in response to his quip to the Hon. the Leader of the Opposition that he hopes that not everything in the Labour Party's manifesto will become GSD policy. The other day, I was at home, nostalgically perusing some of my old political papers and I came across a statement by him, committing himself solemnly that, if ever he got into the Office which he now occupies, he would introduce a road toll on Line Wall Road: I hope he does not intend to proceed with that either! (*Laughter*)

3150

**Hon. Chief Minister:** I am very grateful, Mr Speaker, for the opportunity to come back at him and tell him that if he actually *watches* that, the only people who talked about introducing a toll on Line Wall Road were the people who wanted to denigrate what I had said. But luckily, *because there was a camera present*, he is able to watch –

3155

**Hon. P R Caruana:** It is in print!

3160 **Hon. Chief Minister:** It is in print and in the voice and speech of the then Minister for the Environment, I believe, or if not, one of the new Members of the Opposition. There is a video, Mr Speaker, of what I said at Sacarello's exactly about that and it does not involve the introduction... a solemn commitment to introduce any toll on Line Wall Road – although Mr Speaker, if I was going to introduce it on any road, it might be in Irish Town or Line Wall Road that I might be *tempted* to introduce such a toll!

3165

**Hon. P R Caruana:** Well, you wouldn't collect much while I was a pedestrian! (*Laughter*)

3170 **Hon. Chief Minister:** Mr Speaker, I am grateful that there appears to be unanimity across the floor of the House now to do this. I believe that the hon. Gentleman is right, that actually the time has come whatever the views of some of the more veteran Members of this House may have been in the old days, because of people's desire for information today, the need to see it to believe it, then I think that it is high time that we took the step to bring the cameras into this House if, post the refurbishment, we have been able to agree the rules and we are all happy with what we see that the technology can produce.

3175 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

3180

**BILLS**

**FIRST AND SECOND READING**

3185

**Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**First Reading approved**

**Clerk:** Bills: First and Second Reading. A Bill for an Act to amend the Immigration, Asylum and Refugee Act. The Hon. the Chief Minister.

3190

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Immigration, Asylum and Refugee Act be read a first time.

3195

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Immigration, Asylum and Refugee (Amendment) Act 2013.

3200

**Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**Second Reading approved**

3205

**Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, in brief, the purpose of this Bill is to amend the Immigration, Asylum and Refugee Act so as to make provision for, first, the waiving of visa requirements in specific circumstances; second, formal entry permits; third, requiring visitors in certain circumstances to deposit their passports or other travel documents; and for related matters.

3210

Mr Speaker, clause 2(4) makes several amendments to section 11A of the Principal Act. In particular, it introduces new subsections (3A) and (3B).

Section 11A(1) provides that the Government may direct the Principal Immigration Officer to waive the carrying out in circumstances described in such a direction of any control, powers or functions required and permitted under the Act on any persons or category of persons specified in the direction.

3215

Subsection (3A) therefore provides that any direction under 11A(1), which relates to a category of persons described by virtue of their being nationals of particular countries who hold valid multiple entry Schengen Visas shall be published in the Gazette. Subsection (3B) provides that any direction made under section 11A(1), to which subsection (3A) applies, shall include a waiver of the requirements to be in possession of a valid entry permit.

3220

Further, the direction will specify that the waiver does not entitle the holder to seek employment in Gibraltar or to have access to publicly funded benefits in Gibraltar and shall specify a period that such a person is authorised to remain in Gibraltar, which shall not exceed 21 days.

3225

Clause 2(4) further amends section 11A of the Act, by adding new subsections (6) to (8), which empowers the Government to direct that particular persons be excluded from the remit of any direction under section 11A(1), where it is of the opinion that the exclusion of that person from Gibraltar is conducive to public security concerns. That person's character, conduct and association may be taken into account in reaching that decision.

3230

The Government shall also direct the particular persons to be excluded from the remit of any direction where the reason for the exclusion is the safeguarding of the internal security or defence of Gibraltar. The reason for the exclusion is of such a nature as to fall within the Governor's constitutional responsibilities and the Governor has informed the Government that such exclusion needs to be made.

3235

Clause 2(5) inserts a new section 17A on Entry Permits. Entry Permits can be issued by the Authority or the Principal Immigration Officer and will entitle the holder to enter into and remain in Gibraltar during the period of validity of the permit. An Immigration Officer, however, is empowered to refuse a person leave to enter into Gibraltar if, in his opinion, it is undesirable to give that person leave to enter on the grounds that the person's exclusion is conducive to the public good or public security. The Immigration Officer may take into account the person's character, conduct and associations and such a decision can be taken, notwithstanding that such a person is a member of a class to which a direction under section 11A(1) applies. Such a refusal must be reported to the Principal Immigration Officer and to the Authority.

3240

The Bill further amends the power to declare prohibited immigrants and the effect of such declaration under the Act. Under the new section 52(1A), the Government should direct the Principal Officer to

declare any non-Gibraltarian to be a prohibited immigrant where it is necessary for the safeguarding of the internal security or defence of Gibraltar, the declaration is of such a nature as to fall within the Government's constitutional responsibilities and the Governor has informed the Government that such a declaration is to be made.

3245 The Bill also amends the proviso contained in section 53(1), which originally provided that the Principal Immigration Officer could grant a permit to a prohibited immigrant, permitting him to enter and remain in Gibraltar for such period and to such conditions as he could direct, notwithstanding that the entry and presence within Gibraltar of that prohibited immigrant is unlawful.

3250 This proviso has now been strengthened in that the Principal Immigration Officer must obtain the consent of the Government, Governor or the Authority, as the case may be, and in the circumstances specified therein, before he can grant a permit to a prohibited immigrant permitting him to enter and remain in Gibraltar.

3255 Finally, clause 2(3) empowers the Principal Immigration Officer to require visitors seeking any permit under the Immigration, Asylum and Refugee Act or to whom a direction made under section 11A(1) applies, to deposit their passports. This is principally a power to be used in respect of non-EU nationals, of course, at the borders.

3260 Mr Speaker, I said in my address at the time of the Ceremonial Opening that I wish to see our nation making efforts to build bridges with our southern neighbour, Morocco. For that reason, the first direction to be made will be in respect of nationals of that kingdom to promote their ability to visit Gibraltar as tourists, if they already hold valid multiple entry Schengen Visas. We expect other directions to follow to allow nationals of other states from which Government and the tourist industry may wish to promote visitors.

I commend the Bill to the House.

3265 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

**Hon. S M Figueras:** Yes, Mr Speaker.

3270 I rise to speak on the Bill, as I have recently been honoured with shadow responsibility for matters relating to immigration and it is my privilege and honour to speak for the first time in the context of my new portfolios.

I took the opportunity earlier of speaking to the Hon. the Chief Minister informally about the purposes of the Bill and I was very grateful to have that discussion with him. That has certainly been of assistance.

3275 For the Members of this side of the House who will, Mr Speaker, be supporting the Bill, this is an initiative that seeks to facilitate visits to Gibraltar by a category of persons that may have hitherto been unable to or put off by the administrative difficulty of doing so and by enabling them to gain access to our shores, to bring business and additional spending power to Main Street as one of the offshoots of the Bill is certainly a principle, one which we are happy to and will indeed support.

3280 I would, however, just like to take the opportunity to raise a matter of concern for Members on this side of the House, a concern relating to the potential for individuals to remain in Gibraltar beyond their welcome and the difficulties that may then arise in ensuring that certain individuals return from whence they come at the relevant time. I do, however, Mr Speaker hasten to add that I am conscious of the various checks and controls proposed within the body of the Bill, but perhaps the Hon. the Chief Minister could provide details in his reply of any systems, checks, protocols, perhaps, that he, in his discussions and consultations with relevant stakeholders, may have identified as appropriate and desirable, in the context of ensuring that what comes to this House as a Bill designed to add some zing to one of the main engines of the community does not turn instead into a burden on it.

3285 That said, Mr Speaker, I reiterate the Opposition's support for the Bill and hope, as I am sure all Members of this House do, that this initiative may bring added activity for the benefit of our small business community for years to come.

3290 **Mr Speaker:** Does the Hon. the Chief Minister wish to exercise his right to reply?

3295 **Hon. Chief Minister:** Mr Speaker, I am delighted that the hon. Gentleman is going to shadow me in relation to matters related to personal status, immigration. He and I have been firm friends for many years and although we may not be able to agree on many things, at least where possible, we can have a word outside this House to deal with issues that may facilitate its workings, as we have today.

3300 Mr Speaker, what we are doing and what we are intending to do is designed to appeal and to be available only to actually quite a defined type of individual and this is an individual who holds a Schengen multiple entry Visa. Therefore, these are individuals that other Member States of the EU have granted – those Schengen Group of the EU Member States – have granted multiple-entry visas to. In

those circumstances, the individual who is in Gibraltar is able to travel into Spain and into the rest of the EU with no administrative burden being put in his way.

3305 So somebody who has a Schengen multiple entry Visa were to come to Gibraltar under what we might loosely call the 'visa waiver programme' and outstay his 21-day benefit visa waiver for Gibraltar, then he is not a person who could only in those circumstances assume deportation, be deported by the airport to the United Kingdom. The hon. Gentleman may know that there are some issues with deporting people through the United Kingdom to another state from which they may originate.

3310 So they would be the individuals who could be deported from Gibraltar to Spain. Now, what class of individuals are we talking about? Principally, the Government believes it has identified groups of people who will likely come to Gibraltar for no more than three days, perhaps long weekends, at a push perhaps a week. That is likely to be the market, but there could be circumstances where individuals could outstay their welcome. We have not acted without working very closely with the Borders and Coastguard Agency, who are in very close liaison on these matters – as the former Chief Minister will know – with the Special Branch and the international law enforcement entities – to ensure the security issues that might relate to an individual coming to Gibraltar are adequately dealt with.

3320 It is not as if people will simply be let in with a visa waiver and we will not know how many there are or where they will be staying. This will be a system akin to the mechanisms used in the United States, where on a visa waiver – he may remember the old style, before ESTAs, where he had to fill in a green visa waiver form if he was a British National, where you need to tell the authorities where you are going to be.

Of course, an individual could simply lie on the form – and then find him amongst 520 million people across the expanse of the great United States. In the similar circumstances here, that person would have to hide themselves in two-and-a-half square miles, amongst 30,000 people. It is not impossible.

3325 The hon. Gentleman may know that there is a list of, I believe, no more than a handful of people who are illegally in Gibraltar. They are known to the Government. The issues there have been what to do with deportation, because those are issues which are historic, and literally you are talking about people who either have illegally gained access to Gibraltar and have come to the attention of the authorities, but either they have been here for 12 or 15 years when that has happened, or there is what I might loosely call a 'sob story' behind the whole thing.

3330 That is not the sort of individual that we believe we are dealing with here, but if it were, suffice to say that I have told him that the authorities are aware of each of those individuals, where they are and where they sleep, and the absence of deportation has more to do with administrative process or politicians being asked to interfere to *stop* processes.

3335 Before he jumps to his feet and asks me what I am doing stopping a deportation process, if that is where I am leading to, this is something that comes from way before our time. He will see that, actually, this is not a huge problem that is likely to materialise, but the technology that is going to be used when taking people's passports – the visa waiver does not mean that you do not check the passport or the Schengen multiple-entry visa – and the follow-up that there will be on where these people are going to lodge themselves whilst they are here, I think has satisfied the Government that we can do this without the risk of an influx of people who may then wish to remain and we would not be able to deal with.

3340 Let me leave him with just this thought: the Schengen multiple entry Visa has to be valid for more than six months for the visa waiver programme to apply on the 22nd day of the visa. In other words, you have to have a Schengen multiple entry visa valid for six months and 22 days if you want to stay in Gibraltar for 21 days so that the deportation through the easiest route will easily be possible.

3345 I trust that satisfies the hon. Gentleman. I am grateful for him having indicated the support of Members opposite.

3350 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Immigration, Asylum and Refugee (Amendment) Act 2013.

3355

**Immigration, Asylum and Refugee (Amendment) Bill 2013  
Committee Stage and Third Reading to be taken at this sitting**

3360 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read – Sorry...

**Mr Speaker:** Committee Stage.



**Clerk:** Top of page 40.

3365 **Hon. Chief Minister:** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all Members agree.

3370 **Mr Speaker:** Do all Members agree the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**First Reading approved**

3375 **Clerk:** A Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes of conferring greater independence upon the Gibraltar Regulatory Authority, converting the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board and matters ancillary thereto, appointing a Deputy Chief Executive Officer, making provision for the treatment of the revenues of the Gibraltar Regulatory Authority and for exempting the Gibraltar Regulatory Authority from liability to Income Tax.

The Hon. the Chief Minister.

3385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000, for all the purposes that the Hon. the Clerk has read out, be now read a first time.

3390 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes of conferring greater independence upon the Gibraltar Regulatory Authority, converting the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board and matters ancillary thereto, appointing a Deputy Chief Executive Officer, making provision for the treatment of the revenues of the Gibraltar Regulatory Authority and for exempting the Gibraltar Regulatory Authority from liability to Income Tax be read a first time.

3395 Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Gibraltar Regulatory Authority (Amendment) Act 2013.

3400 style="text-align: center;">**Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**Second Reading approved**

3405 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, can I just ask hon. Members whether they have received the letter with amendments that was handed in this afternoon? Grateful.

Mr Speaker, this Bill is for certain amendments, which I will deal with in detail below and of which I have given notice identical to that published as Bill No. 2/2013.

3410 The Government is of the view, Mr Speaker, that this Bill is necessary in order to comply with the provisions of the Better Regulation Directive – which is Directive 2009/140/EC – which was transposed into Gibraltar law on 26th May 2011 by amending the Communications Act 2006.

The intention of the Better Regulation Directive was to strengthen the independence of the national regulatory authorities in the electronic communications sector.

Recital 13 of the Directive states as follows:

3415 ‘The independence of the national regulatory authorities should be strengthened in order to ensure a more effective application of the regulatory framework and to increase their authority and the predictability of their decisions... to ensure that, in the exercise of their tasks, a national regulatory authority is protected against external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it.’

3420 In the case of the Gibraltar Regulatory Authority, however, under the Principal Act it can be argued that pressure could potentially be brought to bear through Government’s control of the Gibraltar Regulatory Authority’s funding.

The Directive also states, in article 3, that:

- 3425 'Member States shall ensure that national regulatory authorities exercise their powers impartially, transparently and in a timely manner.'
- and article 3a states that:
- 3430 '... national regulatory authorities responsible for *ex-ante* market regulation... shall act independently and shall not seek or take instructions from any other body in relation to the exercise of these tasks assigned to them under national law...'
- 3435 In Gibraltar, we have a situation where the Government is a shareholder in the dominant provider of the communications networks and services. This, coupled with the provisions contained in subsections 8(3) and (4) of the Principal Act relating to the Gibraltar Regulatory Authority having to take into account Government policy, is contrary, arguably, to the independence referred to in the Directive.
- 3440 Recital 13 also states that it is important that national regulatory authorities should have their own budget, allowing them, in particular, to recruit a sufficient number of qualified staff. This would seem to be inconsistent with sections 9, 10 and 12 of the Principal Act as it is today.
- Further, article 3a goes on to state that:
- 'Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to actively participate in and contribute to the Body of European Regulators for Electronic Communications...'
- 3445 The Government feels that this Bill will achieve the independence required by the Directive.
- The purpose of the Bill is as set out in the Long Title. The Long Title explains that the Bill makes provision for the Gibraltar Regulatory Authority to have greater independence. It converts the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board. It provides for the appointment of a Deputy Chief Executive Officer. It makes provision for the treatment of the revenues of the Gibraltar Regulatory Authority and exempts the Gibraltar Regulatory Authority from liability to income tax.
- 3450 Clause 2(2) deals with the amendments to the Long Title of the Principal Act, which in essence only requires the introduction of a reference to the Deputy Chief Executive Officer.
- 3455 Clause 2(3) amends section 2 of the Principal Act by inserting definitions for 'business', which is relevant for the new sections introduced to clause 2(60), and 'Chairman', 'Deputy Chief Executive' and 'Gibraltar Regulatory Authority member', all of which definitions give effect to the purposes of the Bill. Other definitions are of a clarificatory or consequential nature.
- 3460 Clause 2(4)(a) amends section 3(2) of the Principal Act by establishing the composition of the Gibraltar Regulatory Authority, which is to consist of a Chief Executive Officer, a Deputy Chief Executive Officer and a minimum of two and a maximum of three other persons who are to be appointed by the Minister. The Chief Executive Officer is to be the Chairman of the Gibraltar Regulatory Authority.
- 3465 Clause 2(4)(b) replaces section 3(3) of the Principal Act and provides for the establishing of the period and term of appointment of the persons to be appointed to the board by the Minister.
- Clause 2(4)(c) replaces section 3(4) of the Principal Act and provides for the resignation of the Chief Executive Officer and the persons appointed by the Minister.
- 3470 Clause 2(4)(d) replaces section 3(5) of the Principal Act and empowers the Minister, after consultation with the other members of the Gibraltar Regulatory Authority, to declare that a person's office as a member of the Gibraltar Regulatory Authority is to be vacated in certain circumstances.
- 3475 Clause 2(5) amends section 4 of the Principal Act by establishing that the Gibraltar Regulatory Authority shall be a body corporate with perpetual succession, having a common seal, and makes provision for the affixing of the common seal and for the signature of certain instruments.
- It also provides for the Gibraltar Regulatory Authority to sue and be sued in its corporate name, and for the service of process or notice.
- 3480 Finally, it provides for the Gibraltar Regulatory Authority, the members of its board, or persons employed or taken on secondment by it, not to be treated as a body of persons exercising functions on behalf of the Crown or as servants of the Crown.
- 3485 Clause 2(6) introduces a new section 5 in the Principal Act. This new section deals with the meetings and proceedings of the Gibraltar Regulatory Authority. It provides for the constitution of a forum and the requirement for a Chairman to preside at meetings of the Gibraltar Regulatory Authority. It provides for the calling of meetings with the Gibraltar Regulatory Authority, for voting at meetings, the keeping of proper minutes, and for the making of written resolutions.
- Clause 2(6) also introduces new section 6 that provides for the appointment of the Chief Executive Officer, the terms of his appointment, his functions and responsibilities, and for the appointment of a Deputy Chief Executive Officer in his absence.
- Clause 2(6) also introduces new section 7, that provides for the appointment of a Deputy Chief Executive Officer and provides for his replacement in certain circumstances.

Clause 2(6) also introduces new section 8, that establishes the functions of the Gibraltar Regulatory Authority.

3490 Clauses 2(7), (8) and (9) provide for amendments to the Principal Act which are clarificatory or consequential in nature and deal with amendments to do with punctuation and numbering.

Clause 2(10) omits the requirement for the approval of the Minister in the delegation by the Gibraltar Regulatory Authority of the discharge of functions, thereby strengthening the independence of the GRA.

Clauses 2(11), (12) and (13) deal with numbering and renumbering.

3495 Clause 2(14) introduces a new section 9(5) in the Principal Act, which provides for a person, to whom functions have been delegated by the Gibraltar Regulatory Authority, to be given a certification of his authorisation, and for the production of the same if requested by any person affected by the exercise of those functions.

3500 Clause 2(15) introduces a new section 10 in the Principal Act that provides for the payment by the Gibraltar Regulatory Authority of salaries to the Chief Executive Officer, the Deputy Chief Executive Officer, such persons as the Gibraltar Regulatory Authority may employ or take on secondment, to a person or agency to whom functions have been delegated, and for the payment of such expenses as the Gibraltar Regulatory Authority may be liable to pay as the result of the exercise of any one or more of its powers.

3505 This new section 10, however, empowers the Minister to determine other expenses and allowances to persons appointed, employed, or taken on secondment by the Gibraltar Regulatory Authority.

It is thought that these provisions are contrary to the desire to grant greater independence to the Gibraltar Regulatory Authority, and I therefore give notice that, at Committee Stage, I intend to move the following amendment to the Bill:

3510 *'In clause 2(15) of the Bill at sections 10(a)(ii) and 10(b)(ii) of the Principal Act replace in each subsection 10(a)(ii) and 10(b)(ii) the word "Minister" with the words "Gibraltar Regulatory Authority".'*

3515 Clauses 2(16) to (26) provide for amendments to the Principal Act which are clarificatory or consequential in nature or deal with amendments to do with punctuation and numbering.

Clause 2(27) provides, through newly renumbered section 11(3) of the Principal Act, for the independence of the Gibraltar Regulatory Authority when exercising its functions, taking into account public policy only to the extent that it is lawful to do so.

3520 Clause 2(27) and (28) also provides, through newly renumbered section 11(4) and new sections 11(5) and (6) of the Principal Act, for the requirement of a member of the Gibraltar Regulatory Authority to declare an interest in any matter coming before the GRA.

Clauses 2(29) and (31) deal with renumbering.

3525 Clauses 2(30) and (32) amend the newly renumbered sections 12(1) and (2) of the Principal Act by allowing the Gibraltar Regulatory Authority to do all things necessary, ancillary or incidental to the carrying out of its function without the imposition of limits set by Parliament. This is designed to grant the Gibraltar Regulatory Authority greater independence.

Clause 2(33) clearly establishes, through the newly renumbered section 12(2)(b) that the Gibraltar Regulatory Authority shall have the power to contract with any person for the supply of personnel.

3530 Clause 2(34) omits from the newly renumbered section 12(2)(d) the requirement for the consent of the Chief Secretary before the Gibraltar Regulatory Authority can employ or take on secondment persons for the purposes of performing certain functions of the GRA. This is another provision designed to grant the GRA greater independence.

3535 Clause 2(35) provides through the introduction of new section 12(2)(e) for the Gibraltar Regulatory Authority to be able to establish and maintain schemes for the payment of pensions or other benefits to employees.

Clauses 2(36) and (37) deal with numbering and renumbering issues.

3540 Clause 2(38) omits from the newly renumbered section 12(3) the requirement for the consent of the Chief Secretary before the Gibraltar Regulatory Authority can establish the period, terms and conditions of employment of such persons as the GRA may employ or take on secondment.

Clause 2(39) introduces new sections 13 and 14 in the Principal Act that provide for the identification of the source of the revenue of the GRA and the investment of such revenue – section 13; and for the establishment and operation of a general fund into which all monies received by the GRA are to be paid, out of which all payments made by the GRA are to be made – section 14. Indeed, section 14 also gives the GRA the power to borrow monies with or without security.

3545 Clauses 2(40) and (41) deal with renumbering and an amendment to the header of newly renumbered section 15 of the Principal Act.

Clause 2(42) replaces previously numbered sections 10(1), (2) and (3) with new sections 15(1) to (5). These impose obligations on the GRA with regard to accounting records or financial statements and the auditing of the same. It provides for the appointment of an auditor and the method of his reporting.

3550 Any direction by the Minister with regard to the statements of account and any involvement by the Principal Auditor is omitted thereby strengthening the independence of the GRA.

Clause 2(43) introduces new section 16 in the Principal Act imposing an obligation on the GRA to prepare and furnish to the Minister annual estimates of income and expenditure and such additional information and explanations as the Minister may require.

3555 Clause 2(44) deals with renumbering.

Clause 2(45) replaces previously numbered section 17(1) and extends immunity from suit to the GRA members, officers and servants and any delegatee of functions.

Clause 2(46) deals with renumbering issues.

3560 Clause 2(47) introduces a new section 17(3) that authorises the Gibraltar Regulatory Authority to indemnify existing and former members, officers or servants for the cost of defending any action brought by a third party in respect of the discharge of their powers and functions.

Clauses 2(48) and 2(49) deal with renumbering and numbering.

Clause 2(50) introduces a new section 18 into the Principal Act.

3565 New section 18 provides for the issuance of notice by the Minister to the GRA to be followed by application to the Supreme Court in the event of non-compliance, requiring the Gibraltar Regulatory Authority to comply with the provisions of the Principal Act. It is thought that these provisions are unnecessary, given that there are adequate remedies available by means of the application of general law in the event of non-compliance by the Gibraltar Regulatory Authority with the provisions of the Principal Act.

3570 Further, the new section 18 does not sit well with the intention to strengthen the independence of the GRA. I therefore give notice that at the Committee Stage, I intend to therefore move its removal. At the Committee Stage, I also intend to refer to the renumbering of sections required, as a result of the removal of section 18.

3575 The consequential renumbering will be the following: section 19 is renumbered so it now becomes section 18, all the way through, Mr Speaker, in section 20, 21 and 22, so that those are numbered with one number below. The reference to section 22 in section 17(4) of the Principal Act now therefore becomes a reference to section 21. Sections 23, 24 and 25 are renumbered with one number less.

3580 Clause 2(50) also introduces new section 19 into the Principal Act. This new section has the effect of prohibiting the issuance of a process of execution by attachment of property or other similar process against the Gibraltar Regulatory Authority.

Clauses 2(51) and (52) deal with a renumbering issue and the consequential amendment.

Clause 2(53) introduces a new section 21 into the Principal Act and exempts the income of the GRA from income tax.

3585 Clauses 2(54) to 2(59) deal with numbering and renumbering.

Finally, Mr Speaker, clause 2(60) inserts new sections 24 and 25 into the Principal Act.

Section 24 authorises the Gibraltar Regulatory Authority to petition the Supreme Court, with the consent of the Minister, for the winding up of a company that appears to the GRA to be undertaking business without authorisation, licence, notification or registration required for the undertaking of business or has had its licence, authorisation, recognition or registration cancelled or suspended.

3590 Section 25 provides for the Minister at the request of the Gibraltar Regulatory Authority to direct the Registrar of Companies to deregister any Part IX companies, in similar circumstances as those set out in section 24 to which I have just alluded.

I commend the Bill to the House.

3595 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

**Hon. D A Feetham:** Yes, Mr Speaker, the Opposition will be supporting the Bill.

3600 The Bill, Mr Speaker, provides for the conversion of the Gibraltar Regulatory Authority from a corporation sole, that is to mean an individual which under the current Act, the Gibraltar Regulatory Authority Act, is effectively the Chief Executive – under section 3(1) is the Chief Executive – so one individual into a corporate body governed by a board, led by a Chief Executive.

3605 In fact, my understanding – I will be corrected if I am wrong – is that this Bill follows and places the Gibraltar Regulatory Authority on the same... it uses the same model on which the Financial Services Commission is based nowadays. Indeed, there is more than one analogy that one can draw with the Financial Services Commission, because of course, hon. Members of this House, or some, may actually remember that in 1989, when the Financial Services Commission Act or Ordinance, as it then was, was introduced by the then GSLP Government, the Financial Services Commission was a body. It was a group

3610 of people, and amendments were forced – I think I am right in saying – by the United Kingdom to that Act, to convert the Regulatory Authority from the Financial Services Commission to the Commissioner, one individual. Of course, it was always a matter of concern, certainly – and a matter that we wanted dealt with, when we were in Government – to actually change that. It certainly is not a model that is conducive to a proper independent regulatory authority, to have one individual that is effectively the regulatory authority for something as important as this, and indeed something as important as the Financial Services Commission.

3615 So we do believe that by changing the regulatory body from one individual into a corporate body governed by a board, then led by a Chief Executive, that will strengthen the independence of the Gibraltar Regulatory Authority, not diminish it, and as a matter of principle, we will be supporting the Bill.

3620 Mr Speaker, what I would like is for the Chief Minister, if he may, to provide some clarification in relation to two aspects.

In relation to the proposed section 13(1) and its interaction in relation to 14(1): under 13(1) the revenues of the Gibraltar Regulatory Authority shall be such fees and charges as may be payable to the Gibraltar Regulatory Authority under the Act; and then (b) such funds as may from time to time be voted by the Gibraltar Parliament; (c) such funds as may properly accrue to the Gibraltar Regulatory Authority from any other source.

3625 So effectively, the intention appears to me to be to make the Gibraltar Regulatory Authority as self-sufficient as possible and if there is any deficiency, to have then the funds voted in Parliament and it is proper to do so, because of course, then Parliament remains... there is an oversight from Parliament in relation to any excess expenditure, over and above that which the Gibraltar Regulatory Authority generates off its own bat, so to speak.

3630 But then if one looks at proposed section 14(3), it says:

3635 ‘The Gibraltar Regulatory Authority may borrow such sums as the Gibraltar Regulatory Authority may require to enable it to discharge its functions and for the purposes of meeting expenditure of a capital nature.’

Now, does the Hon. the Chief Minister think that that may impact on the model as established in 13(1), which is self-sufficient – if you require anything else you come to Parliament to ensure that it is voted by Parliament? Because it does appear to me that, of course, if it does not generate any income, it is not voted for by Parliament but it can borrow, then obviously it is circumventing the very careful structure that is established in 13(1), which is generation of income, alternatively anything in excess of that, you have got to really vote it in by Parliament.

3640 If it does cause concern, perhaps it can be dealt with by way of an amendment at Committee Stage, so that at least there is some oversight by the Government Minister in relation to the borrowings by the Gibraltar Regulatory Authority, because it appears to me to be a very wide power indeed, provided to the Authority and odd, in the light of the structure and the scheme of things as set out in section 13(1).

3645 May I also ask the Chief Minister what is meant in clause 2(47), (3) by – and I read from the Bill:

‘The Gibraltar Regulatory Authority shall (unless bad faith is definitively found to have existed)...’

3650 What does ‘definitively found to have existed’ mean? Definitively found by whom? By the courts? Can he expand and elucidate on that, please.

Thank you very much.

3655 **Hon. Chief Minister:** Yes, Mr Speaker, I am grateful to the hon. Gentleman for indicating that his party is going to be supporting this Bill.

He has indicated that this is in fact the same model as the model of the Financial Services Commission Act, and that is in fact the case.

3660 Indeed, Mr Speaker, the issues that he has asked us to look at come from very similar provisions, if not identical provisions, in the Act which he says he believes this is modelled on and therefore he is pleased with.

If I can just say to him, the hon. Gentleman has said – and I am grateful that they are going to support this, but he said something during the course of his intervention, which I need to take up – he said that they had wanted to make these changes when they were in Government. May I simply say that these changes... this Act was made when they were in Government.

3665 If he wants to...

**Hon. D A Feetham:** What I said was that in relation to the Financial Services Commission, having one individual as the regulator, that was always a bugbear with the GSD Government, because it was always a UK appointment and on top of that, the Authority was one individual. The propensity for control

3670 over that individual and then interference in the regulatory system was obviously very clear to us and that was what we, as a matter of principle, were against.

3675 **Hon. Chief Minister:** I see, Mr Speaker. Right, because this Act is a 2000 Act, which is an Act that they introduced at the time, and it is principally something which is led by European legislation that has to be adopted as a result of Directive obligations. As I said during the course of my intervention, this is about updating the Act, to ensure that it does comply with the required EU measures.

3680 So how to do that? Well, base it on the Financial Services Commission Act, which I think everybody accepts in this House sets up the model of independence of a body corporate discharging those sorts of regulatory functions in its particular sphere of influence.

3680 So in relation to the clauses that he has referred us to, clause 13(1)(c) and its interaction with 14(3), and the statement as to definitive findings of bad faith at 2(47)(3), I am advised that those are identical to provisions in the Financial Services Act.

3685 What do they mean and what do they do, Mr Speaker? Well, my understanding is that what you do in 13(1) is you set out how the Authority, the GRA, is able to fund itself. You say in 13(1)(c):

‘such funds as may properly accrue to the GRA from any other source.’

3690 Then you say in 14(3), by allowing the borrowing, in effect that that is a proper other source. So I do not see that there is necessarily a conflict with that. In fact, I think it helps the independence of the Authority not to be reliant on the Government hand-out in 13(1)(b), in particular in circumstances where the Authority is able to persuade a lender that it should borrow money.

3695 Lenders these days, as the hon. Gentlemen know, sometimes do not lend money even to people who can demonstrate that they are solvent. So the GRA, if it is going to borrow money, is going to have to demonstrate its solvency and its ability to pay back. In those circumstances why should – (*Interjection by Hon. D A Feetham*) - when I will finish the point. In those circumstances, why should the Government, Mr Speaker, constrain the GRA from being able to borrow commercially at arm’s length, if it believes that that is a proper course for it to raise funds.

The hon. Gentleman wants to say something.

3700 **Hon. D A Feetham:** Yes, thank you very much.

I am not saying that they are in conflict or contradictory; what I am saying... what I am asking the Chief Minister is to explain whether he feels that there is potential for a circumvention of the oversight of Parliament in relation to any excess expenditure.

3705 Because the scheme is self-funding, if you cannot self-fund, you then come to Parliament to ask for funds to be voted, but of course if the Regulatory Authority, rather than come to Parliament to have funds voted, borrows the money, if it borrows the money, it is then liable to repay the money. It does seem to me as if there is a potential there for there to be a circumvention of the parliamentary oversight, in not allowing the Gibraltar Regulatory Authority to fund itself over and above income it generates, other than in circumstances where Parliament intervenes, and that is why I am suggesting that perhaps, in order to actually prevent that, that the hon. Member might consider an amendment that allows Ministerial oversight of the borrowing because, of course, Ministers are accountable to this Parliament and, at the very least, there might be a closer nexus between that and 13(1).

But that is what I am asking the Hon. the Chief Minister to explain.

3715 **Hon. Chief Minister:** Mr Speaker, I do not believe that there is such an issue and I will tell him why. Section 13(1), he said, had very carefully framed – those were his words – how the Authority was to receive its income. There are, of course, the direct fees and charges that will be raised by the GRA. There is the potential – not the requirement, but the potential – for a parliamentary vote of funds, but there is the third limb. That third limb – a third limb which he has himself said is very carefully drafted – provides for this other income, such other funds as may properly accrue.

3720 So, Mr Speaker, I do not see that in allowing, in the definition that 13(1)(c) purportedly creates, of another source of income, properly accruing to the GRA the potential for borrowing, that we are doing anything to allow the GRA to circumvent Parliament. All the GRA will be able to do in those circumstances is to raise commercial borrowing.

3725 Now, is the hon. Gentleman saying, ‘Well, look in the circumstances where the GRA is able to raise commercial borrowing and it should not have had it and therefore comes into default in respect of those obligations, it has raised money which has accrued to it without the supervision of this Parliament and could land the taxpayer eventually in some permutation with a bill’? Well, look, I suppose that that is technically possible. But you do not create an independent statutory body and staff it with people so that

3730 they go out and create liabilities which then fall back on the taxpayer. You have got to accept that, if you

are creating a creature that is truly independent, it has those abilities and it is led by people who have the responsibility not to act in that way.

3735 So I do not believe that it creates a difficulty for this Parliament. We are not letting the GRA so out of our sight that it will no longer be subject to the scrutiny of this Parliament. Look, everything is subject to the scrutiny of this Parliament and should we consider that it was going to act improperly, we always have the ability to come back and amend not so much 13(1)(c), but 14(1)(3), I do not think that that is an issue at all.

3740 If I may just, Mr Speaker, in relation to the other point that the hon. Gentleman referred us to: section 19 of the Financial Services Commission Act, which is a 2007 piece of legislation in its latest iteration, actually reads:

'The Commission shall unless bad faith is definitively found to have existed indemnify...'

3745 So that is a direct lifting from the Act that was passed in 2007, in respect of the Financial Services Commission. What does that mean? Well, Mr Speaker, we are legislators here, not judges. In my view, it very likely means that a court needs to find that there has been bad faith before there is any possibility of the section being engaged.

3750 So, Mr Speaker, I thank him for indicating that his party will support this Bill and I note those two points. I trust that he has been satisfied with my explanations.

**Mr Speaker:** I now put the question which is that a Bill for and Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes which I set out during the First Reading of the Bill be now read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

3755 **Clerk:** The Gibraltar Regulatory Authority (Amendment) Act 2013.

3760 **Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

**Hon. Chief Minister:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

3765 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

3770 **Public Health (Amendment) (No. 2) Bill 2012**  
**First Reading approved**

3775 **Clerk:** A Bill for an Act to amend the Public Health Act. The Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill for an Act to amend the Public Health Act be read a first time.

3780 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Public Health Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Public Health (Amendment) (No. 2) Act 2012.

3785 **Public Health (Amendment) (No. 2) Bill 2012**  
**Second Reading approved**

3790 **Hon. Dr J E Cortes:** Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, this Bill is relating to the Public Health Act as it affects rates and it is to give effect to aspects which were included in the Chief Minister's Budget speech regarding a discount for early

payment of rates which is being increased from 5% to 10%. That is in relation to certain businesses, offices, workshops, construction and manufacturing industries, as mentioned in the Budget speech.

3795 And that for new companies, there will be a discount for early payment of rates of 50% for their first year of trading.

There is another part to this Bill in which it adds casinos to the rates discount, in relation to the Smoke-Free Environment Act, which had not been included when the Act had originally been passed by this House.

3800 At Committee Stage, Mr Speaker – and Members should have received a letter to the effect – I will be proposing a number of amendments which relate largely to typographical omissions, notably adding the word ‘casino’ in all the appropriate clauses instead of in just the one.

I commend the Bill to the House.

3805 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I will now put the question, which is that a Bill for an Act to amend the Public Health Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

3810 **Clerk:** The Public Health (Amendment) (No. 2) Act 2012.

**Public Health (Amendment) (No. 2) Bill 2012**  
**Committee Stage and Third Reading to be taken at this sitting**

3815

**Hon. Dr J E Cortes:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

3820 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

3825

**Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**Public Health (Amendment) (No. 2) Bill 2012**

3830 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

3835 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: the Immigration, Asylum and Refugee (Amendment) Bill 2013; the Gibraltar Regulatory Authority (Amendment) Bill 2013; and the Public Health (Amendment) (No. 2) Bill 2012.

3840

*In Committee of the whole Parliament.*

**Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**Clauses considered and approved**

3845

**Clerk:** A Bill for an Act to amend the Immigration, Asylum and Refugee Act.  
Clause 1.

3850 **Mr Chairman:** Clause 1 stands part of the Bill

**Clerk:** Clause 2.



**Mr Chairman:** Clause 2 stands part of the Bill.

3855 **Hon. S M Figueras:** I am sorry, I do have an observation to make in respect of, in respect of that. In clause 2(4)(d), there is no reference that that amendment should be in subsection (4) of the relevant section.

It says:

3860 'for "The" substitute "Subject to section 17A(5), the";'.

It does not say in which subsection it should be. However, looking at the, looking at the original Act, that should be in respect of subsection (4).

3865 **Hon. Chief Minister:** Yes, I am grateful to the hon. Gentleman

**Clerk:** Could I have sight of that, so I can record that, please.

3870 **Mr Chairman:** I will now put the amendment.

**Clerk:** So the amendment reads:

*In clause 2(4)(d), 'in subsection (4) for "The" substitute "Subject to section 17A(5), the";'.*

3875 **Mr Chairman:** Are all Members in favour of the amendment?

**Members:** Aye.

3880 **Mr Chairman:** Clause 2, as amended, stands part of the Bill.

**Clerk:** The Long Title.

**Mr Chairman:** The Long Title stands part of the Bill.

3885

**Gibraltar Regulatory Authority (Amendment) Bill 2013  
Clauses considered and approved**

3890 **Clerk:** A Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes of conferring greater independence upon the Gibraltar Regulatory Authority, converting the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board and matters ancillary thereto, appointing a Deputy Chief Executive Officer, making provision for the treatment of the revenues of the Gibraltar Regulatory Authority and for exempting the Gibraltar Regulatory Authority from liability to Income Tax.

3895

Clause 1.

**Mr Chairman:** Clause 1 stands part of the Bill.

3900

**Clerk:** Clause 2.

3905 **Hon. Chief Minister:** Mr Speaker, I have given notice of a number of amendments where what we will do throughout the Bill is in these particular instances change the word 'Minister' for the words 'Gibraltar Regulatory Authority'. That occurs in section 2(15) of the Bill and 10(a)(ii) and 10(b)(ii) of the Act where those replacements should occur.

The Clerk has it in the letter and he can see exactly what it is that occurs.

**Clerk:** Then we are deleting –

3910

**Hon. D A Feetham:** We are quite content for that letter to effectively stand as –

**Mr Chairman:** So all hon. Members are agreed to the amendments which have been circulated by the Chief Minister. Therefore clause 2, as amended, stands part of the Bill.

3915 **Clerk:** The Long Title.

**Mr Chairman:** The Long Title stands part of the Bill.

3920 **Clerk:** I think I just wanted to ask a question that is in relation to page 22 of the Bill. We are talking about removing section 18? That is being deleted?

**Hon. Chief Minister:** That is right, that is the other substantive amendment, (**Clerk:** Absolutely.) then everything else is renumbering.

3925 **Clerk:** Absolutely.

3930 **Public Health (Amendment) (No. 2) Bill 2012**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Public Health Act.  
Clause 1.

3935 **Mr Chairman:** Clause 1 stands part of the Bill.

**Hon. Dr J E Cortes:** Mr Chairman, I refer –

3940 **Mr Chairman:** Is it clause 1 that you have an amendment?

**Hon. Dr J E Cortes:** There are amendments in clauses 1 and 2.

**Mr Speaker:** Clause 1, yes.

3945 **Hon. S M Figueras:** Mr Chairman, we are happy for the amendments to –

**Clerk:** But for *Hansard* purposes, we need to... please.

3950 **Hon. Dr J E Cortes:** Mr Chairman, in which case:

*'In clause 1(3), after "2(1)" insert "(1A)",.'*

*'In clause 1(4), for section "2(3)" substitute sections "2(3) and (3A)".'*

3955 **Mr Speaker:** Do all hon. Members agree to the amendments moved by the Hon. the Minister?  
(**Several Members:** Yes.)

So clause 1, as amended, stands part of the Bill.

**Clerk:** Clause 2.

3960 **Hon. Dr J E Cortes:** Mr Chairman, in clause 2:

*After subclause (1), insert the following subclause: '(1A) In section 277A(b) after "bar" insert "casino".'*

3965 In clause 2 also:

*After subclause (3) insert the following subclause: '(3A) In the proviso to section 277B(2), after "bar" insert "casino".'*

3970 Thank you.

**Mr Chairman:** Do all hon. Members agree to these amendments?

3975 **Members:** Aye.

**Mr Chairman:** So clause 2, as amended, stands part of the Bill.

**Clerk:** The Long Title.

3980 **Mr Chairman:** The Long Title stands part of the Bill.

**BILLS FOR THIRD READING**

3985 **Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**Public Health (Amendment) (No. 2) Bill 2012**  
**Third Reading approved; Bills passed**

3990 **Clerk:** The Hon. the Chief Minister.

3995 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Immigration, Asylum and Refugee (Amendment) Bill 2013, the Gibraltar Regulatory Authority (Amendment) Bill 2013 and the Public Health (Amendment) (No. 2) Bill 2012 have been considered in Committee and agreed to, with amendments, and I now move that they be read a third time and passed.

4000 **Mr Speaker:** I now put the question, which is that the Immigration, Asylum and Refugee (Amendment) Bill 2013, the Gibraltar Regulatory Authority (Amendment) Bill 2013 and the Public Health (Amendment) (No. 2) Bill 2012 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against?  
You wish to take them one by one? Okay.

**Clerk:** For the purpose of *Hansard*.

4005 **Mr Speaker:** Very well. Those in favour of the Immigration, Asylum and Refugee (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.  
Those in favour of the Gibraltar Regulatory Authority (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

4010 Those in favour of the Public Health (Amendment) (No. 2) Bill 2012? (**Members:** Aye.) Those against? Carried.

**PRIVATE MEMBER'S MOTION**

4015 **Clerk:** Private Member's Motion, the Hon. D A Feetham.

4020 **Hon. D A Feetham:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

*'THIS HOUSE NOTES:-*

4025 *(1) The statements made by the Prime Minister of the United Kingdom, Mr David Cameron, during the course of a speech at Bloomberg on 23 January 2013, that he plans to renegotiate parts of the UK's relations with Europe and put that changed membership package to the British people in an in-out referendum by the end of 2017 should the Conservative Party win a majority in the UK Parliament at the 2015 General Election.*

4030 *(2) The immense implications for the stability, prosperity and security of Gibraltar of any renegotiation of UK Membership in the EU and the importance that Gibraltar properly considers and is prepared to face any of the challenges emerging from any renegotiated status (if any), including engaging the UK at the earliest possible, and at every material, juncture.*

4035 *And this House agrees that it is important in the face of such challenges for there to be unity of purpose and approach amongst its members, and it agrees that the Leader of the Opposition and the Chief Minister should meet in order to discuss the creation of a cross-party committee to deal with those challenges on a cross-party basis.'*

4040 Mr Speaker, this is a neutral motion designed to allow Members of the House to debate in a constructive spirit what is a tremendously important issue to this community. It is in that spirit that the Opposition invites Members opposite to agree to the terms of this motion.

These are issues which transcend party politics and on which both sides of the House and, indeed, both leaders should be able to put their political differences to one side and work together for the better of this community.

4045 Hon. Members will note that the motion does not seek to commit this House to the creation of a cross-party committee at this stage, but to allow the House to debate these issues and recommend that the Chief Minister and the Leader of the Opposition should meet to explore such a possibility.

4050 On this side of the House, we remain willing to work in the public interest together with the Government on any issue of vital importance to Gibraltar, irrespective of personalities, the internal party political issues that divide us or the personal likes or dislikes. It is in that spirit that I move this motion.

4055 Mr Speaker, everyone in this House will be aware of the recent statements and indeed commitment of the Prime Minister of the United Kingdom to engage with its EU partners in order to attempt to renegotiate the terms of the United Kingdom's membership of the EU and then give the people of the United Kingdom the simple choice, as he calls it, between staying in under those new terms or leaving the EU. It is, of course, a moot point whether, firstly, he will succeed in his endeavour to negotiate new terms and, secondly, whether the Conservatives will win the General Election in 2015. It is only if these two conditions are fulfilled that the issue of an in-out referendum would bite. A week in politics is a long time indeed; two or three years can be an eternity.

4060 But whilst recognising these important caveats and the fact that these conditions might not be fulfilled, we cannot afford here in Gibraltar to wait without giving very careful thought indeed to the eventual outcome of this process, its implications for Gibraltar and the way we need to tackle them.

But before I move on to that, I would like to say a few words about the general debate raging not only in the United Kingdom but amongst the citizens of many other countries of the European Union.

4065 Mr Speaker, speaking only for myself when I say this, and comment on this part of the wider debate, I have a lot of sympathy with the views expressed by the Prime Minister on the general malaise in which the European Union finds itself in. There is no doubt, in my view, that there is a disconnect between the people of the EU and those that make decisions at EU level, and that this is being intensified by the very solutions required to resolve deep economic problems facing countries all over Europe and which we have been luckily spared in Gibraltar.

4070 Public disillusionment with the EU in the UK and elsewhere is at an all time high. The five principles which the Prime Minister outlined as part of his vision for the European Union fit for the 21st century may resonate in a small community such as ours and an economy such as ours: competitiveness and the importance of the integrity of the single market; flexibility and the importance of not being weighed down by a 'one size fits all' approach to European integration; the importance of recognising that not everything can or should be harmonised, particularly in the areas of social affairs or crime, where people at local level are far more adept at making these decisions than at central level; democratic accountability and the principle that national parliaments are and will remain a true source of democratic legitimacy to the people; finally, fairness in the way arrangements for the Eurozone are enacted, which is of course important to Britain and Gibraltar because we are both outside the single currency.

4080 Mr Speaker, much of what he said made sense to me personally.

Of particular resonance to Gibraltar, perhaps, is the way he developed his first principle that, and I quote:

4085 'At the core of the European Union must be, as it is now, the single market. ... But when the Single Market remains incomplete in services, energy, and digital – the very sectors that are the engine of a modern economy – it is only half the success it could be.'

4090 I say 'particular resonance', because I am sure the Chief Minister and the Minister with responsibility for gaming will remind Government Ministers in the UK of precisely that principle and statement, when they discuss with them the decision of the United Kingdom to tax bets at source and the completeness in the single market in the provision of such services that that entails.

But Mr Speaker, much as I admired the courage behind his speech and the persuasiveness of what he said, his speech has huge implications for Gibraltar.

4095 Should the Conservative Party win, the UK will have an in-out referendum. Personally, I do not believe the UK will vote to leave the EU. Since 2004, Britain has been the destination for one in five of all inward investment into the EU. Continued success in that regard is dependent on access to the single market. Therefore, British businesses and jobs are dependent on it. As the Prime Minister put it, if the UK left the European Union, it would be a one-way ticket, not a return.

But it is those very same reasons and many more that should be of concern to us here in Gibraltar. Our financial sector, our gaming sector, our attractiveness as a financial centre generally, our relationship with

4100 our neighbours to the north, as the Chief Minister likes to call them, would be fundamentally affected by a decision of the UK to opt out of Europe. As everyone in this House knows, we are members of the EU by virtue of UK membership.

4105 Whilst we transpose our own Directives in this Parliament and there may be EU measures where Gibraltar is referred to and dealt with separately to the UK, our membership of the club derives from UK membership of that club. One of the issues which need to be considered, however far-fetched it may have been a few years ago, is whether it is possible to remain within the club, if the UK exits. I am not asking the Chief Minister to provide me with a view across the floor of this House, for obvious reasons, nor whether that has formed part of his discussions with the United Kingdom, recently. I am quite happy for him to brief me in private.

4110 But even if it were possible, it could have deep constitutional implications for our relationship with the United Kingdom in the long run. Indeed, having a referendum here in Gibraltar, in the context of a wider UK referendum, important as it would be for the principle of public participation and consent, it would, from a practical point of view, be like a drop in the ocean, when, if viewed simply, as part of a UK referendum, unless any re-negotiated terms worked for us or we had the ability to make a different decision to the United Kingdom.

4115 And that is really the key issue for us. Will we be able to influence any terms, so that they work for us and will we be able to do anything other than what 62 million others in the United Kingdom may vote for?

4120 If it is possible for us to influence the terms of any re-negotiation, our efforts must be directed at that and, in my view, early and continued engagement of the United Kingdom Government at every material step of the way is vital. But for whatever reason we cannot influence those terms, we need to look at the affect of any emerging package on our social, political and economic structures and plan ahead as to how we are going to meet those challenges.

4125 They do not have to be mutually exclusive and, indeed, engagement of the UK, even if we cannot influence any terms, will allow us to formulate a clearer picture of the implications for Gibraltar.

4130 Mr Speaker, I do not say that the way that I have proposed to deal with this issue in the motion, i.e. a meeting between us to explore the creation of a cross-party committee, is the only way; but I believe it is a good constructive start. This is an issue which, in my view, has such deep political, social economic and constitutional implications that it does require a cross-party consensus approach. Although I make no dogmatic assertion of the fact, it is my belief that the general public would welcome the cross-party cooperation on this potentially among the most important issues Gibraltar may ever have to face.

I therefore commend this motion to the House.

4135 **Mr Speaker:** I now propose the motion in the terms moved by the Hon. the Leader of the Opposition.

4140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think it is fair to say that the hon. Gentleman put his motion before he heard the answer to his question which dealt with issues relating to progress in respect of discussions in respect of the same subject matter, and which I answered yesterday. So, to a very great extent, a lot of what he has said this afternoon or evening, he will know has been dealt with in the answer that I gave him when I talked about the early engagement that there had been, long before the Prime Minister's speech at Bloomberg, between my Government and the Government of the United Kingdom on this issue.

4145 I think that I saw from his demeanour yesterday that he was positive about how the Government had led on that issue, in particular the fact that the Government made clear that we had had a very early indication, from what we were perceiving from the news media in the UK, that things were going in this particular direction – in particular, the constitution by the Foreign Secretary of the balance of competences review, which, as I told him during the course of my answer, Gibraltar has formed a full part of.

4150 But I think it is fair to say a number of things whilst trying to retain the neutrality of this debate and what I recognise, if it were ever to become a reality, would be an important social-economic issue for Gibraltar. Mr Speaker, I believe that when people truly want to co-operate with each other – and I have said this before – they pick up the phone and they talk to each other. They do not put motions. They certainly do not, Mr Speaker, Twitter that they are going to try and create a cross-party consensus.

4155 Mr Speaker, I am particularly surprised that those who have criticised Members of this side of the House for making statements on Facebook should have made statements on another social network about things which then materialise into a motion.

4160 But I am going to suspend my disbelief and I am going to deal with this matter on the basis that it has been put by the hon. Gentleman, as if it were a neutral attempt to work together; but he will know, Mr Speaker, that I said the same thing two years ago, when Mr Caruana said in public what were the criteria he was going to set out for me to attend the United Nations with him, when I was Leader of the Opposition. I said then, as I say now, Mr Speaker, that my phone line is open and my door is open to any

Member opposite who wishes to co-operate with the Government. If they truly want to co-operate with the Government, they are free to get in touch and we can consider whether that co-operation is possible.

4165 Excuse me, Mr Speaker, for being sceptical when the invitation to co-operate appears for the first time in a motion and we are not contacted before that motion is put; but I will suspend my disbelief and I will deal with this as if it were not a political device designed to garner some support for an attempt – a purported attempt – to be constructive or positive. So I will deal with the motion as if it were genuinely put, and I accept the hon. Gentleman’s position that it is genuinely put.

4170 Mr Speaker, as I told him yesterday, because we have been working on this subject now for over a year, we have made a lot of progress in understanding, at the technical level, where it is that the United Kingdom is taking this matter.

4175 It was obvious to us that the writing was on the wall that the Leader of the Conservative Party was likely to be put in a situation where a similar statement to that made by the Rt Hon. the Prime Minister was imminent.

4180 So, Mr Speaker, the engagement began very early and it began both at a political, official and technical level, and the work has been ongoing. As I told the hon. Gentleman yesterday, because this is such a sensitive issue at every level... he has said social and economic and cultural, and the issue of our neighbours to the north, Spain. He could refer to them in many ways; Spain and our neighbours to the north is one way of referring to them.

4185 Of course this does raise a lot of issues, but Mr Speaker, that does not mean, in our view, that the engagement must be exclusively political *at this stage*. It may be that things do become much more concerning to the Government, and at that stage there may be a need for a cross-party political engagement, but I think it is important to take stock of where we are today. The hon. Gentleman has alluded to this, and I think it is important that I develop the point further.

4190 There are three main political parties in the United Kingdom today represented in the House of Commons. Two of them are in Government. This is quite an extraordinary thing for the United Kingdom: *two* of them are in Government. The leaders of *all three* of those main political parties are of one mind. They all three say that the United Kingdom should stay within the European Union and, to different extents, talk about wanting to have a new agreement on Europe.

4195 We can speculate as to what the party politics behind that may be, but we are facing a situation not where one party leader is talking about wanting to leave the European Union and two are not; we are talking about three party leaders talking about remaining in the European Union, one of them saying more vociferously than the other two, ‘We need to renegotiate the terms.’ Hence the balance of competences review, which was designed to understand, at a UK level, to what extent has the European Union flowed into EU law.

4200 It would have been dangerous, Mr Speaker, in our view, not to engage technically with the UK whilst it is doing that exercise, and we are technically engaged with the UK in that exercise. As I told the hon. Member, we are also working with the Future of Europe Department, which is a department now of the Foreign Office, to understand technically where the negotiations are going and ensure that the issue of Gibraltar is at the forefront – because, of course, our neighbours to the north would want to take advantage of any such renegotiation to do that which they try to do on an everyday basis, despite the United Kingdom’s, today, full membership of the EU, as it is today, and Gibraltar’s membership with it under the provisions of the Treaty.

4205 So, Mr Speaker, we agree it is fundamentally important to be on the front foot on this issue. We have been on the front foot on this issue, even before it was in the headlines. The fact is, Mr Speaker, that we could get to a stage where Gibraltar wants more Europe than the UK. In other words, not where the United Kingdom has the leader of one of its principal political parties urging, in a referendum, should the Conservative Party win the next election, that people vote for an exit to Europe if they have not been able to negotiate a satisfactory new engagement with Europe. We could reach a much more interesting, and therefore potentially complex situation, where the Conservative Prime Minister, if he has won the election, has managed to renegotiate the terms of entry into the EU, but that is not enough Europe for us. In other words, the UK stays in but with less Europe, and there are parts of that new understanding where Gibraltar wants more Europe than the United Kingdom.

4215 Mr Speaker, I recall in the very early days of the GSD in administration – I think in 1996 or 1997 – when the issue of the Schengen Accords came up. The Hon. the then Leader of the Opposition, Mr Bossano, was explicit in explaining how it was that Gibraltar might be put at a disadvantage by the inclusion of protocol *x* or protocol *y* in respect of the Schengen Accord, which in effect, in a very roundabout way, required unanimity of the Member States for any party that had not entered Schengen at that time, of the sort of description like Gibraltar has under the European Treaty – a European territory for the external relations of which a Member State is responsible – wanting to accede to the Schengen area. We were not able to have and we did not have a developed argument in Gibraltar about whether Gibraltar should access the Schengen area, even if the United Kingdom did not want to access the Schengen area at the time.

4225 Now, in reverse, we could have those issues materialising during the course of the negotiations that the United Kingdom is doing in order for a next Conservative Prime Minister, if there is to be one, to recommend that the United Kingdom stay within the European Union to his party and to the country. So, Mr Speaker, I think it is actually potentially much more sophisticated than just a Brit exit referendum that we may be looking at, although of course that is a possibility.

4230 Now, Mr Speaker, how to deal with those issues in a way that I think addresses the necessary concern that we must all have to ensure that we are dealing with it: well, Mr Speaker, what I am going to commend to the House is that we continue to do it as we are doing it, at an intergovernmental level, which is where the issue is and should be today, both at official level, at a technical level and at political level.

4235 Mr Speaker, there is an issue here that we also need to understand, which is that Gibraltar has sometimes done very effectively, which is to deal not just with parties in government in the United Kingdom, but to have, as we have had very successfully, a cross-party support for Gibraltar's position in the United Kingdom.

4240 Why do I say that, Mr Speaker? We are all politicians in this House – except Mr Speaker, who has now graduated to a much finer post than that of a mere politician – but the polls in the United Kingdom today suggest that there may be a different party in government in the UK after the next General Election. I am not going to speculate about the polls, but let us all at least agree that we are far enough away from the General Election in the United Kingdom that which party will form government in the United Kingdom after the election is not yet clear.

4245 The Labour Party has a position today in respect of these issues, which the Leader of the Labour Party, the Rt. Hon. Mr Miliband, has said may develop, because there are a lot of UK General Election issues live about whether people are offered the choice in respect of Europe, or not offered the choice in respect of Europe.

4250 What I want the hon. Gentleman to understand from that is that my particular view is that we need to be engaging at an intergovernmental level as a Government, but we also need to be engaging with the All-Party Gibraltar Group and we need to be engaging with our respective contacts in all the British political parties to ensure that people understand there is a Gibraltar dimension to this UK issue.

4255 Mr Speaker, there are, for the reasons that the hon. Gentleman has enumerated, and I believe I have also gone through from a different point of view, many contingencies between today and where a potential referendum on Europe – exit or new agreement – might be put to the British people; so many that, short of doing that official and technical engagement at a political intergovernmental level, pursuing the point, there is very little to discuss, other than what do we do in a doomsday scenario.

4260 The hon. Gentleman has said many things in the way that he introduced his motion. He said that he wants us to put aside personal likes or dislikes when dealing with this motion and perhaps coming together to discuss this issue.

Let's be very clear, Mr Speaker: I neither harbour nor will harbour a grudge in respect of any matter, in respect of any Member of this House – *any* Member of this House – that might prevent me from acting in concert with any Member of this House, or all Members of the House, on matters which are in Gibraltar's best interest.

4265 Absolutely no question of likes or dislikes affecting the way that we should approach this and where there needs to be a cross-party approach. Likes or dislikes are so irrelevant that, in my view, they need not even be mentioned; but the hon. Gentleman has mentioned it, so I put it there for him to know that he need not mention it again, because on Gibraltar issues, where Gibraltar needs to come first, where there are serious issues that face us politically, socially, culturally or otherwise, he will always be able to approach the Government, if he wishes, and the Government expects it will always be able to approach Members opposite to seek consensus and a way forward in the interest of our community.

4270 Could it be any other way? Well, Mr Speaker, I put it to all Members that it could not, it should not; it never has been the case and it never can be the case if we are truly Gibraltarians who care about Gibraltar first. He knows, Mr Speaker, that it is my view that, where we *can* work on a cross-party basis, we should, where it is necessary.

4275 But Mr Speaker, for all of those reasons, we have taken the view that what he has proposed, which is to meet, to discuss, to create a cross-party committee... To create such a committee is not what is necessary today, but that is not to say that nothing is necessary today.

4280 So, Mr Speaker, what I am going to propose on behalf of the Government, trying to maintain that neutrality of approach and that attempt to find consensus... Mr Speaker, in order to make it easier for Members to understand – I am going to propose amendments to the motion – I am quite happy to circulate to Members a note of what it is that I am going to propose, so that they can see for themselves what it is that the amendment will do and why I recommend it to the House.

4285 I am going to propose an amendment, Mr Speaker, taking the motion as it stands, that does the following. I will move the word 'Notes' from where it appears, Mr Speaker, to put it at the beginning of the first paragraph, so: *'This House: (1) Notes the statements made by the Prime Minister of the United*

4290 *Kingdom,* – and I think, Mr Speaker, that we need to take out ‘Mr David Cameron’ and put in ‘*The Rt Hon David Cameron*’ and then insert ‘MP’, because we are referring to the Prime Minister in an official document of this Parliament – ‘*during the course of a speech at Bloomberg on 23 January 2013, that he plans to renegotiate parts of the UK’s relations with Europe and put that changed membership package to the British people in an in-out referendum by the end of 2017 should the Conservative Party win a majority at the 2015 General Election,*’ – and then I would insert ‘*in the United Kingdom*’.

4295 Mr Speaker, I do not share the view that that is what the Bloomberg speech is about, but the characterisation of it is sufficiently neutral and that I am quite happy to accept it for the purposes of this motion.

Mr Speaker, we would then delete and propose the deletion of (2) and the final paragraph as they stand, and we would propose to insert this wording:

4300 (2) *CONSIDERS that the potential withdrawal of the UK from the EU is therefore dependent on a number of variables which are impossible to predict at this moment in time;*

(3) *WELCOMES that the Government had already discussed the matter at an intergovernmental level with the United Kingdom even before the Prime Minister’s speech;*

4305 – Mr Speaker, I recognise that the hon. Gentleman did not have that information until after he had put his motion and after I answered his question –

4310 (4) *NOTES the commitment made by the Chief Minister earlier in this meeting to keep the Leader of the Opposition informed on a confidential basis;*

– which he will recall is what I agreed to do yesterday, when he asked me to do that as a result of the question –

4315 *and*

(5) *REQUESTS that Parliament be kept informed of any significant developments in this regard.*

4320 Then, Mr Speaker, I have set out the motion as it would read thereafter, so that hon. Members can see it.

4325 Speaking to that amendment, Mr Speaker, I would say this: what the hon. Gentleman’s motion did was say let us meet and consider the creation of a cross-party committee; what this motion, as amended, would do is to keep that principle alive in the context of my giving him confidential briefings, as I said yesterday during the course of Question Time that I would do. They cannot be otherwise, other than by meeting, and we may have to speak on the phone on some occasions but I am quite happy to meet to give him those confidential briefings.

Because we then agree, Mr Speaker, or the House requests in this motion, that we keep the Parliament informed, then absent those things which are confidential, the House will also have such information as it is possible to give the House.

4330 Why am I so keen on that confidentiality, Mr Speaker, and why am I prepared to share the information confidentially with the Hon. the Leader of the Opposition? For this reason, Mr Speaker: as I told him during the course of the question yesterday and the short exchange that we had with it, I think that he and I have already said things which have dealt with the sensitivity of this matter for our community, and I think it is important that we do not lay a trail, whether it be for our neighbours to the north or anybody else that might harbour our community ill intent, that we actually take advantage of the opportunity that there is, as I am offering it to him today, for there to be confidential exchanges between the Leader of the Opposition and the Chief Minister on subjects of these sorts, which are of national importance, and come back to this Parliament when necessary and when we are able to do so. Mr Speaker, I will, of course, trust him with that confidential information, as a Member of this House.

4340 I have said before, Mr Speaker, that I believe that the United Kingdom benefits from having the status of Privy Councillors, which certain senior Members of the House of Commons on both sides enjoy and are able to share information which is in the public interest which they need to have should they, in emergencies or otherwise, be making decisions or making statements.

4345 I think this is an opportunity to have that meeting that he proposed in his motion – but not to have one meeting in order to create a select committee, but to have a number of meetings where I brief him and share confidential information as it comes to me, come back to this House if necessary, and then, perhaps jointly, if necessary, move a motion to create a select committee of the House.



4350 I actually believe that there is nothing that he and I cannot do in such confidential engagement – and decide, if necessary, to agree to work together on – that we need to do sitting in this Chamber round the table of the select committee; because, Mr Speaker, I must tell you, in order to have such a select committee, if we were to have one, I would have to ask that committee to sit *in camera*, and therefore, Mr Speaker, I do not believe that select committees sitting *in camera* is the way that we should be going forward.

4355 The hon. Gentleman has from me, in the speech I made when he became Leader of the Opposition, that I would be generous in the way that I dealt with him whilst he holds that post. I am extending that generosity by amending the motion to set in train there the commitment that I gave yesterday, in answer to the question, to share information with him confidentially on this subject, to work together confidentially, as we may.

4360 Of course, Mr Speaker, we can agree that he share information with his Members of Parliament. I consider that all of us have taken an oath to this place, and that information which I give him we can agree can be shared with them, and we can work together as we decide we have to, if we have to, on any of these issues.

4365 I put it to him, Mr Speaker, and I put it to the House, that this is the responsible way to progress, so that we can have a motion that all of us support, that is in the interest of Gibraltar, that creates the cross-party atmosphere that is necessary with the confidentiality that is also very necessary to ensure that we protect the interests of this community should matters become as sensitive as they could, and in the already quite sensitive circumstances that I have alluded to and in respect of which I have already offered him yesterday, in answer to his question, an element of confidential briefing and working together.

4370 Mr Speaker, he said things, when he introduced his motion, which he couched in neutral terms, which I did not take, as he knows now, in neutral terms. I preceded my intervention by dealing with those neutral terms equally neutrally. I hope that those are now behind us. This is too important. The amendment that I am proposing, I believe, deals with these issues, so I assume he may want to speak on the amendment, but Mr Speaker I commend the amended motion to the House.

4375 **Mr Speaker:** I now propose the question which is the amendment moved by the Hon. the Chief Minister.

That means that all Members of the House are able to speak on his amendment, including, of course, the Leader of the Opposition, if he wishes to do so now.

4380 **Hon. D A Feetham:** Mr Speaker, yes.

Given that I have the opportunity of effectively, certainly on my motion, speaking last, I will say a few words on the neutral statements that the Hon. the Chief Minister made, and then I will focus on the substance of it.

4385 Mr Speaker, the Hon. the Chief Minister talked about early engagement and he reiterated the fact that there had been early engagement with the United Kingdom. I certainly welcome that during our exchanges during Chief Minister's Question Time, and I do not resile from that. The purpose of the question that I asked was to establish whether there had been early engagement. I welcome it and I congratulate the Chief Minister for having had that early engagement.

4390 Mr Speaker, he also said that perhaps the purpose of the motion had been to garner support by projecting ourselves as being constructive. Well, look, the reality is you are either constructive or you are not constructive, and the fact of the matter is that we believe that this motion was a constructive step by the Opposition to extend the hand of political friendship to the Government of the day on an issue that is extremely important to this community.

4395 He also mentioned my Twitter on the subject of the suggestion of a cross-party committee. I do not think that one can elevate that to the same level of announcements on Facebook in relation to the fishing dispute, with respect to the Chief Minister.

4400 I believe that members of the public are entitled to know what the Opposition's policy in relation to this is. I was asked by constituents what is the Opposition's policy in relation to this, because there is a concern out there in the community on this issue – rightly so, because it is an important issue – and I took advantage of tweeting and basically setting out what the Opposition's... Well, *my* view – because, in fact, I think that I tweeted it before I became Leader of the GSD – is that I believe that there ought to be a cross-party committee established to actually discuss this and all the permutations. I thought I would clarify that before I deal with the substance responding to my motion and also talking on the amended motion.

4405 Mr Speaker, we will be supporting the amended motion. I certainly said that there was more than one way one can skin a cat during the course of my submissions on my motion, and certainly we believe that, although it does not go far enough, it is constructive enough to be able to have the Opposition's support.

I certainly think that the Hon. the Chief Minister is minimising the potential impact of this, because his focus has been on the in-out aspect of the referendum. In other words, his focus, and indeed the way that he has amended the motion in paragraph (2), says:

4410

*'(2) CONSIDERS that the potential withdrawal of the UK from the EU is therefore dependent on a number of variables which are impossible to predict at this moment in time;'*

4415

I have actually said there were a number of variables and a number of preconditions to in fact a referendum taking place, but it is not... I think that the issue that will face Gibraltar, and the more important issue, is not whether the UK will leave the EU; I actually think that the UK will not leave the EU and the people of the United Kingdom will not vote for leaving the EU. The issue is the impact of any renegotiated package; in other words, the terms upon which any agreed terms of any renegotiated membership of the UK within the EU. That certainly is a possibility. I think it is a real possibility, and that is what we really need to be considering.

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I think that the amended motion, with respect to the Hon. the Chief Minister, does not really consider the potential impact of this issue and the potential importance of this issue in the way that I had drafted in my own motion, which was much wider, which was to consider how, potentially, the UK might renegotiate its membership and how that renegotiation impacts on Gibraltar.

4425

Having said that, I certainly believe that, myself... It gives me an opportunity... What the Hon. the Chief Minister is suggesting gives me the opportunity of sitting down with the Chief Minister, talking to him about my thoughts on the matter and how I think that there might be an impact, and what are the areas that I think that the Government ought to be alert to, and it gives me an opportunity, certainly, to influence any discussions that the Hon. the Chief Minister may have with the United Kingdom.

4430

Therefore, I think it is worthwhile, we welcome it, and that is why we are going to be voting in favour of it, but I would urge on the Chief Minister to look at it not in terms of the in-out referendum. I did notice yesterday, when he was answering questions, when he answered the question that I asked on this issue, that he made great play, rightly, on the fact that there are discussions at a very advanced stage of Gibraltar participating in any referendum.

4435

I actually think that that is, with respect to the democratic principle of consent, a subsidiary issue, because we could be landed in a situation, by the time that we get to the question of a referendum – and bearing in mind that that referendum is seen in the context of a referendum with 62 million people – of really being saddled with a situation which we cannot affect and we cannot alter.

4440

My concern is trying to look for ways in which we can engage the UK, identify areas that are of concern to Gibraltar that the UK ought to take into account, and that that be included within any discussions there may be in the UK about renegotiations on any renegotiated package of EU membership.

So we certainly will be voting in favour of the amended motion, and I hope that this is one of many occasions in which the Government and Opposition, on issues that affect Gibraltar and that are of vital importance to Gibraltar, can co-operate across the floor of this House.

4445

**Mr Speaker:** Does any other hon. Member wish to contribute to the amendment proposed by the Chief Minister?

If not, I will ask the Chief Minister to exercise his right to reply on the amendment.

4450

**Hon. Chief Minister:** Mr Speaker, I am grateful.

I thank the hon. Gentleman for having extended his congratulations to the Government and to me personally, as he did a moment ago, for having secured this engagement, as we have now for some time.

4455

Mr Speaker, I do not want to labour the point about Twitter – I think this is much more important than that – but I am reminded of the fact that, in fact, it was the leader of the PDP, Nicholas Cruz, who came up with this issue of a cross-party approach, and that is what, actually, the hon. Gentleman's tweet was about, agreeing with Nick, which is what gave rise to this Coalition Government, I think, in the United Kingdom – and I agree with Nick – during the leaders' debate in the United Kingdom. But anyway, that is just colour.

4460

Mr Speaker, I am grateful to the hon. Gentleman for agreeing his side's support for this motion.

The one issue that he has taken, which is that he says that our motion is limited to the principle of the potential withdrawal, I would invite him to reconsider, for this reason... Although he is going to support it, I would invite him to reconsider supporting with the caveat that it should be wider, for this reason: we have not changed his paragraph number (1) and his paragraph number (1), as drafted, and the reason we have not changed it is because his paragraph number (1) talks about putting the changed membership package to the British people in an in-out referendum.

4465

Mr Speaker, I told him, when I spoke originally, that I did not accept that that was an accurate characterisation of the Prime Minister's speech, necessarily, but that I did not think much turned on it.

4470 Mr Speaker, the Prime Minister has left open the possibility that what is put to the British people is actually just ‘Let’s get out; there is no satisfactory renegotiation.’ And so, in the realms of what a Conservative Party may put – having jumped through all the contingencies that we have discussed – in 2017 to the British people, there is ‘Let us stay as we are,’ ‘Let us stay on these renegotiated terms,’ or ‘Let us just get out, because we have not been able to renegotiate in any way.’

4475 The way he has put it is not that sophisticated, if I may say so, but it is actually quite satisfactory for the purposes of what this House has to do today, hence why I accepted it, but it sets out – if I may, I will give way in a moment – but it sets out that there is that potential of a changed membership package, and that is actually what concerns *us* the most.

4480 Because I do not think that it is likely, given the politics of today, that there will be a ‘Let’s get out’ referendum. There is more likely to be a ‘Let’s accept this renegotiated package’ referendum, which is what he has put in his motion, and that is what creates the possibility that there may be, actually, a danger in the new package for Gibraltar.

Exiting the EU creates the concerns that are as massive as the hon. Gentleman and I have agreed. Staying as we are today creates the concerns that we all have about the EU, although we have the advantages that we have.

4485 But look, I guess that all of us were as disappointed as the other in respect of the way that the European Court of Justice dealt with the SAC on a technical point, and in particular the way that they appointed a Spanish judge, who used to represent the Kingdom of Spain, making the arguments that were the arguments that we were putting in that case. So the EU today has failings, even for those who are supporters of the EU.

4490 So, Mr Speaker, if he will allow me, I say to him the motion, as redrafted, allows the possibility of new membership package and the possibility of withdrawal already in it, but what it does is create the mechanism, already implicit in my answer yesterday, for that exchange to which he referred to earlier.

Mr Speaker –

4495 **Hon. D A Feetham:** Will he give way?

**Hon. Chief Minister:** Oh yes, the hon. Gentleman wants to make a point.

4500 **Hon. D A Feetham:** Mr Speaker, I do not think that the hon. Gentleman really is accurately characterising the speech or the position of the Prime Minister in the United Kingdom.

What he has actually said in the United Kingdom is that he is not going to be putting to the people of Gibraltar... It is not his view, nor the policy of his party or the Coalition, to put the issue of leaving the EU in a vacuum. What he is saying is, ‘I am going to be asking...’ In fact, he says in his speech:

4505 ‘The next Conservative Manifesto in 2015 will ask for a mandate from the British people for a Conservative Government to negotiate a new settlement with our European partners in the next Parliament.’

It is that renegotiated package that he will then put to the people of the United Kingdom in a referendum in a question: either this renegotiated package, or out; not our existing status and out. It is the renegotiated package and out.

4510 What I am saying is that the dangers for Gibraltar are not in the out – I think that the UK will not out from the European Union; it is in those renegotiated terms, and it is the renegotiated terms that I am urging the Chief Minister to focus upon, and it is influencing those renegotiated terms that I am urging the Chief Minister to focus upon.

4515 **Hon. Chief Minister:** Mr Speaker, we agree, and what is happening is that I am saying, ‘Look, the motion gives us, as amended – keeping your wording on the package and our wording on potential withdrawal – enough room to do that.’

If we are genuine about co-operating, then the wording on the motion is not going to affect that, because all we are saying is what is the characterisation one way or the other.

4520 So let us just, in my view, Mr Speaker, if we are going to go down the road of agreeing, let us take the step of agreeing this motion in these terms, and let us start the work, as soon as we are able, of talking about these issues face to face, subject to the confidentiality that I have referred the hon. Gentleman to.

4525 I think that it is important that we should start to do that, whether it is on this subject, Mr Speaker, or perhaps on another. Because it is important that the community, when it values the work that politicians do in this place and assess what it is that politicians in this Parliament provide for our community, they should not just define our contributions as having been able to make a better or worse pithy statement across the floor of the House when we are dealing with each other at Question Time, that we have actually bitten the bullet, where it is necessary to do so, in order to have these exchanges.

4530 I tell him and I tell the community – and it is important that the community have this in mind – that the Government has taken the steps necessary, to date, to take these steps, and I acknowledge his congratulations for us having done so, for having had the foresight to do so and engage technically, officially and politically, as we have to date, and I am prepared to include him in my confidences in respect of those issues so that, if necessary, we can act together if the time should ever come.

4535 This would be an issue of great importance nationally, as much as the issue of joint sovereignty may have been in its day.

So, Mr Speaker, just on the amendment as proposed, I now sit down.

4540 **Mr Speaker:** I now put the question in the terms of the amendment moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

What is now before the House is the amended motion, and that means that any hon. Member, except the Chief Minister, is able to speak on the amended motion.

If no hon. Member wishes to speak on the amended motion, then the Hon. the Leader of the Opposition can exercise his right to reply on the motion.

4545 **Hon. D A Feetham:** Mr Speaker, I have already exercised effectively my right to reply, and I am very grateful to the Chief Minister for giving way so that I could further explain what our position is in relation to the importance of focusing on the renegotiation of those terms.

4550 **Clerk:** Mr Speaker.

**Mr Speaker:** I think I should now put the amended motion to the House. I now put the question, which is the motion originally moved by the Leader of the Opposition, as amended by the Chief Minister, do be carried. Those in favour? (**Members:** Aye.) Those against? Carried.

4555

#### **TABLING OF DRAFT ESTIMATES OF REVENUE AND EXPENDITURE 2013-14**

##### **Ruling by Mr Speaker**

4560

**Mr Speaker:** Before the Chief Minister moves the adjournment, there is a matter of clarification that I want to acquaint the House with.

Section 69(1) of the Constitution requires that the draft estimates of revenue and expenditure for the next financial year should be laid before Parliament not later than 30th April this year.

4565

Having regard to the fact that the House is going to be refurbished, that is not going to be possible. Therefore, what I am ruling is that the requirements of that section of the Constitution will be satisfied by the delivery of the estimates to hon. Members on a confidential basis, even though no formal tabling will have taken place and I understand, in fact, that that has been the practice in recent years.

4570

**Clerk:** The Chief Minister.

#### **CONDOLENCES**

4575

##### **Condolences to Mr Hubert Corby, former Member of the House on the death of his wife**

4580 **Hon. D A Feetham:** Mr Speaker, before the Chief Minister rises, presumably to adjourn... If he is not going to rise to adjourn, I will sit down, but if he is rising to adjourn...

May I, certainly on behalf of this side of the House – and I am sure that I speak also for Members opposite – extend my sincerest condolences to Mr Hubert Corby, who was a Member of this House for a number of years, whose wife, unfortunately, sadly passed away today.

4585

We, certainly on this side of the House, feel the sad loss, not only for him, but for many of us who knew Mrs Corby personally. She was a delightful lady and a member of the GSD for many many years.

**Mr Speaker:** I must associate myself with... It has been a shock to me. Both Hubert Corby and Mariola were personal friends of mine.

4590 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I am glad the hon. Member has remembered to bring this matter up, because in fact Hubert had friends who crossed the political spectrum, and Mariola as well. They were very close friends of both Rose and myself, and clearly we share the feeling of loss.

4595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, may I associate the whole Government with those feelings of condolence to an ex-Member, who has actually been a Minister as well as being just a Member of this House.

4600

#### ADJOURNMENT

**Chief Minister (Hon. F R Picardo):** Mr Speaker I have the honour to move that the House do now adjourn.

4605 But before I do, Mr Speaker, may I simply ask hon. Members to reflect for a moment that this is the last time that we will see the House like this.

As they know, the House will not meet again until the May session. The works to strip away almost 50 years of panelling and the (*Interjection and laughter*) fossils that have grown begins tomorrow in order that the work can be done on time.

4610 I had my fingers crossed that everybody would agree to take the Committee Stages today; otherwise, we might have found ourselves with more than just a mace to deal with in the morning.

Mr Speaker, this has been a place where history has been made in this particular incarnation, and I trust that, with the work of all the Members here, whatever it is that we may be trying to achieve on a particular issue, it will be a place where, in its new incarnation, we will continue to make history for the good of our nation.

4615

I now move that the House do now adjourn *sine die*.

**Mr Speaker:** Before I put the adjournment to hon. Members, may I just remark that, shortly after hon. Members elevated me to this high position, someone asked me, 'How did you find the House?' I said, 'Well, after 20 years, I found it the same, only much worse.' (*Laughter*) So, when we next come, it is going to be very much an eye opener, and one looks forward to that.

4620

I will now propose the adjournment of the House *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.

4625

The House will now adjourn *sine die*.

*The House adjourned at 9.15 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.50 p.m.

Gibraltar, Wednesday, 15th May 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

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

### PRAYER

*Mr Speaker*

5 **Mr Speaker:** At this juncture I am going to ask the Chief Minister because he would like to address the House following the sad death of the Hon. Charles Bruzon.

### In Memoriam

**Hon. Charles Bruzon**

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is the first time that the House will have to mourn the passing of a Member from the Government Benches.

15 His passing is, for the House, quite like the passing of any Member, whatever side he might sit on. He is one of us that has passed in the lifetime of this Parliament whilst he was a servant of the House and whether he was sitting today on the Opposition benches or on the Government Benches, we have lost one of us.

I know that people from across the House have already indicated the affection and the regard in which they held Charles Bruzon. Speaking for the Government, I think I reflect the views also of the whole House when I say that he will be very sadly missed. He was very sadly missed when he was not here as a

20 result of illness and hon. Members opposite expressed sentiments wishing him a recovery, much as those of us on this side of the House very much hoped that he would soon be with us.

I will take this comfort and I hope that hon. Members across the floor take this comfort also, the words you have spoken in the Prayer opening the session are not the words of the Prayer as it used to be before this Parliament. The prayer was changed, principally as a result of Charles' desire to update it –  
25 and I think with your assistance – into the words that we have heard you utter today. So, all of us will note that every time we hear that prayer at the beginning of every session of this Parliament we are hearing Charles' words.

Before I sit down and call for a minute's silence, I will give way to the Hon. the Leader of the  
30 Opposition if he wishes to say anything.

**Hon. D A Feetham:** Yes, Mr Speaker, on behalf of the Opposition, on this occasion, I wish to associate myself entirely with the words of the Chief Minister.

He not only has spoken on behalf of those on that side of the bench but he also speaks, on this  
35 occasion, for those on this side of the bench.

**Hon. Chief Minister:** Mr Speaker, therefore without more, I would call on all hon. Members to keep silent for one minute in honour of the late Charles Bruzon.

40

**Refurbished Chamber  
Thanks to all involved in project**

**Mr Speaker:** Before we proceed any further, we are making history, of course, as we sit here in this  
45 refurbished Chamber at this very moment. It is a far cry from the Chamber that we had for decades, perhaps since the 1950s, which was drear and unprepossessing.

I think, whatever one might say, this is an enormous improvement. I am reliably informed that the  
50 fossils of the cockroaches have been consigned to the dustbin of history and whilst we may have a few teething troubles over the next few days, I am sure we are all much happier to see something that befits the times in which we live.

I would like to congratulate on my own behalf all those who have worked in refurbishing the Chamber, for the very hard work that has been put in, in a very, very limited period of time. So I thank all the workers and all those involved with the project on behalf of all of us.

55

**Chief Minister (Hon. F R Picardo):** Mr Speaker, thank you for those words.

This refurbishment is the fulfilment of a manifesto commitment of the Party today in Government and I think it is worth saying that thanks must go, in particular, to your staff for not just putting up with the works whilst they were ongoing – we were not able to move them out to other offices – they have had to  
60 put up with the work, much as one sometimes has to put up with work at home whilst kitchens or bathrooms are refurbished and we all understand the annoyance that that causes! But they have not just done that, they have also been a source of guidance for those who were in charge of the refurbishment, giving hints and tips here and there of how the refurbishment should take into consideration the peculiar workings of a Parliament such as this one.

So, thank you, Mr Speaker, to you and to your staff for not just putting up with the works but also for  
65 the input you have provided in the period. I think thanks must go, on behalf of the community, to those who have been involved in the 'nitty gritty' of the work, in particular GJBS and their sub-contractors for, as usual, delivering this project – an excellent product and all of it on time. Timing is particularly important when dealing with an institution like Parliament that now meets on a monthly basis and had foregone one of its meetings in order to ensure that the work of the refurbishment could progress. I think  
70 this demonstrates GJBS's ability to deliver on Government projects, on time and as a 'best in class' company that delivers excellent results.

I think, because this is the Chamber of Gibraltar's Parliament, it is also important to highlight that all of the woodwork that we see around us, even the panels that we see, the furniture and the chairs, some of which come from that debating Chamber from the 1950s and have been re-done, have been produced in  
75 Gibraltar by Gibraltarian craftsmen. I think, in particular, in this Chamber, that is an important point to make and I wish to thank them for having been able to deliver on time.

Mr Speaker, in coming days and during the course of the debates that I expect we will have during the course of the consideration of the Independent Commissions Report, this House will be considering the use of the cameras that we now see have been installed in order to broadcast the proceedings of this  
80 Parliament, once we have adopted the rules relevant to broadcasting etc. I think that will be a very important step forward for our community, when this Chamber will not just have been *brightened up*, it

will also be *opened up* to the whole community so that they can see what is ongoing and the work that we do here.

85 Today I understand that the cameras are on, simply for the purposes of testing. Nobody will be able to access the images that the cameras produce today but Members of the House will be able to see, in order to inform the debate that we have, what it is that the cameras do, what sort of angles they produce, so that we can then make a determination of whether or not we agree to the broadcasting, having seen the sorts of images that are going to be produced... but I do hope that the Budget debate this year will be a Budget debate that people can watch in glorious technicolour and not just listen to in Dolby.

90 Mr Speaker, I think it is important to thank Carl Viagas, who has led for the Government as Project Manager on this project. He has delivered now, for successive administrations, a number of different projects and his work is always to the standard that is required of him by the Taxpayer, so sincere thanks for the delivery of this first phase of the works and, in particular, to the Deputy Chief Minister who has led politically for the Government on this particular project. As usual, anything that the Deputy Chief Minister touches is delivered on time and to the usual very high standard, so thank you also from  
95 Ministerial colleagues to him.

Mr Speaker, you have had circulated to all of us new rules on how to use the technology. It is just a button for a microphone but it triggers all sorts of technology nowadays! I think you have indicated that we should see how we go in using this new system of getting up but not speaking, seeking your eye in order to make points. It may be that it is not as workable as we need it to be for the Parliament to have life: it may be the price of bringing cameras into the House. I know you are keen to see how we go with it, so I am grateful that you have given us an indication of how you would like to see us use the technology. From this side of the House, of course, you can count on our co-operation – and I am sure from both sides of the House – so that whenever somebody is speaking, somebody else pressing the microphone button does not interfere with that, in particular for the purposes of *Hansard*, so that we always have a record of what is said in this House.

I think today is a momentous occasion but only the beginning because we still have to refurbish the ante-Chamber to provide more offices and to provide spaces for Members of Parliament on both sides of the House to be able to do their work, for Select Committees to be able to carry out their deliberations and, in terms of the access to the Parliament, also to ensure that there is an accessible entrance for those who may not be able to negotiate the stairs.

Thank you, Mr Speaker, for the opportunity to record the changes in our Parliament.

I am reliably informed that the carcasses of the cockroaches have not been confined to the dustbin of history, they are being studied by Dr Cortes every evening to determine exactly what species they were!

**Hon. D A Feetham:** Now, Mr Speaker, thank you very much.

The Opposition, too, would wish to congratulate everybody involved in relation to this project. I know Carl Viagas very well. Carl Viagas helped me immensely in relation to both the Prison project and also the Court project, which was a very difficult project indeed and I see that there are similarities in the internal décor of the Magistrates' Court and, indeed, the Supreme Court to some of the furniture that we see today in this renovated Parliament Chamber.

Mr Speaker, I would also, of course, like to thank all those involved, the contractors, GJBS, as well as thanking members of staff for their patience during the renovation period. I know, again, having been involved in other projects, that it is not easy to have a situation where there is an ongoing project and, at the same time, the building itself, or the vicinity of the buildings being renovated, are being used as working offices.

It is indeed a great improvement on the Parliament that existed as we knew it a few months ago. What is important in our view is not that this is an improvement in the comfort of MPs or that it is an improvement in the internal decoration: clearly, it is. It is, of course, important from the point of view that the dignity of Parliament is, of course... the Parliament of all Gibraltarians is, of course, enhanced by a project and an improvement of this nature. But the importance in our view is that it allows greater access for democracy inside this place and allows us to pursue what is a joint initiative of this House, an all-partisan initiative of this House, which is to allow cameras and better technology, that allows us to effectively take proceedings of this House and of this Parliament out there to members of the public. In that regard, I note that the Hon. the Chief Minister would like to see Parliament televised for the Budget session, that will also be very welcome certainly on this side of the House, but of course the Hon. Chief Minister needs to contact us and I expect that he will do so during the next few weeks, to finalise the rules in relation to the televising of proceedings for Parliament. The quicker that we do that the better because then it will allow us to have that joint aim which is televising of Parliamentary proceedings, and televising of the Budget session in particular, that that will come to fruition by next month.

So, to sum up, Mr Speaker, my congratulations to everybody involved in this project. We certainly believe that it is a huge improvement and we have no hesitation in recognising that.



145 **Hon. P R Caruana:** Mr Speaker, I wonder if I might be allowed to say, I believe that, in the absence of the Hon. the Minister for Employment, I am the Father of the House (Acting) and, in that capacity, perhaps I might be, sort of, humoured just for a moment.

150 First of all, I think it would be churlish not to congratulate the Government for having prioritised this project: I think that they are to be congratulated for that. It is something we could have done in sixteen years and did not prioritise and I think it is correct to recognise that it has been right, on their part, to prioritise.

155 Secondly, speaking as something of a traditionalist, I think it is also right to recognise that there is just enough, sort of, genuflection to those of us that are very traditionalist and I think the right balance probably, all around us, between modern facilities and traditional facilities and I am particularly keen to note that some of the older bits have been retained.

160 If I could just be allowed one small element – not a criticism – just an expression of personal preference, of course different people would have different tastes and it might be that the majority of the House does not share it, I would have preferred to have seen a different arrangement behind the Speaker's Chair and perhaps the Government is still in time, if it is minded to, to consider restoring the traditional shield there. I do not know if that is the intention and that it is only temporary but I think, with that improvement, I think the Government is to be congratulated for this project.

**Hon. Chief Minister:** Mr Speaker, I am grateful for the statements of both hon. Members.

165 I should have said that there are still matters to be dealt with. One of them is that the Government agrees that the depiction behind the Speaker is not perhaps the one that we imagined it would be and that, therefore, there was an element of restoration perhaps of what was there to come – and there may be some technical changes to be made.

170 For example, I understand that additional cameras are to be added to provide the sorts of angles that I think we all expected we would see. Those, I understand, will be installed today or tomorrow or in the coming days and some other tweaking.

175 Mr Speaker, this is the Parliament Chamber of Gibraltar and all the Members of it, if they have an opinion, should feel free to express it either directly to the Government or through the Clerk so that, having started today to use this renovated Chamber, we improve on it if we can, working together to deliver the best product for coming generations. I do hope that this Chamber will be the place where matters relating to the affairs of our nation are debated at least for another half century, given the very good use that we got out of the old Chamber.

## 180 Order of the Day

### CONFIRMATION OF MINUTES

185 **Clerk:** Meeting of Parliament Wednesday 15th May 2013.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 15th, 21st and 22nd February 2013.

190 **Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye)

*Mr Speaker signed the Minutes.*

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid.

### 195 DOCUMENTS LAID

**Clerk:** The Hon. the Chief Minister.

200 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Annual Policing Plan for 2013-14.

**Mr Speaker:** Ordered to lie.

205 **Clerk:** The Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to lay on the table the Report of the Principal Auditor on the Accounts of the Gibraltar Port Authority for the financial year ended 31st March 2011.

210

**Mr Speaker:** Ordered to lie.

**Clerk:** The Hon. the Minister for Sports, Culture, Heritage and Youth.

215

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the table the Report and Audited Accounts of the Gibraltar Sports and Leisure Authority for the year ended 31st March 2009.

220

**Mr Speaker:** Ordered to lie.

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.

225

## Questions for Oral Answer

### SPORTS, CULTURE, HERITAGE AND YOUTH

230

#### City Fire Brigade Audit Report findings

**Clerk:** Question 218/2013, the Hon. Mrs I M Ellul-Hammond.

235

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to the answer given to Question 95/2013 can the Minister with responsibility for Civil Contingencies give this House the findings of the Audit Report of the City Fire Brigade?

240

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, H. M. Government, together with the management and staff representatives of the City Fire Brigade, with their Unions, are now analysing and studying the Report.

245

The findings of the Report will be made public in due course.

**Clerk:** Question 219, the Hon. Mrs I M Ellul-Hammond...

**Mr Speaker:** The Hon. the Leader of the Opposition.

250

**Hon. D A Feetham:** Yes. Mr Speaker, is there any particular reason why the Minister with responsibility for Civil Contingencies cannot provide a copy of this Report at this present moment.

That is one supplementary and another one is, what timeframe does he envisage expiring before he can provide a copy of this particular Report to my hon. Friend?

255

**Hon. S E Linares:** Mr Speaker, first of all, the Report is a report which we have to discuss. I think it is only fair that we do so, we discuss with the staff, management and the people concerned.

Therefore, what we are doing currently is having discussions with them. The timeframe we are hoping will not be more than two months. Therefore, after that, if it protracts a bit more, so be it but we are intending to make it public after that, once we have had the discussion with staff and management.

260

**Mr Speaker:** Next Question.

265

**City Fire Brigade  
'Train the Trainer' course**

**Clerk:** Question 219, the Hon. Mrs I M Ellul-Hammond.

270

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for Civil Contingencies explain why, as per Table FB.2 on the Government website, no-one has yet undergone the 'Train the Trainer' course with the City Fire Brigade Fire Prevention Officer since 9th December 2011?

275

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

280

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the 'Train the Trainer' course was specifically devised for the GHA at their request so that some of their members of staff can deliver refresher fire safety training at departmental level. Nine GHA members of staff received the 'Train the Trainer' course in 2011. This course is different from the basic Fire Safety Course, which continues to be delivered by the Fire Safety Department.

285

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say what the requirement is for trainers to receive continuous training development in order to update their skills?

**Hon. S E Linares:** Mr Speaker, all GHA employees receive the basic fire safety courses delivered by the CFB Fire Safety Officers as part of their induction to the GHA, so it is everyone.

290

**Government premises  
Number of fire drills**

**Clerk:** Question 220, the Hon. Mrs I M Ellul-Hammond.

295

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for Civil Contingencies say how many fire drills need to be conducted per year in Government premises?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

300

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no fire drills need to be conducted in Government premises unless they are specifically identified as part of a risk assessment. However, schools must ensure that fire drills are carried out periodically.

305

**Mr Speaker:** Any other questions?  
Next Question.

310

**Medical Priority Despatch System  
Progress in going live**

**Clerk:** Question 221, the Hon. Mrs I M Ellul-Hammond.

315

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for Civil Contingencies update this House on any progress made in introducing the new Medical Priority Despatch System and say when it will be going live?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

320

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, discussions have been held between officials of the Departments concerned, with a view to presenting the inter-Ministerial Committee of Ministers some proposals.

325

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in October of last year the Minister stated in a press release that the system was going live in Spring of this year, 2013. Can the Minister advise when this Spring?

**Hon. S E Linares:** Well, we are still in Spring but there will be probably some more delays, maybe go just slightly beyond Spring.

330 **Mr Speaker:** Next question.

335 **Sports Grants**  
**Details of awards since Question 97/2013**

**Clerk:** Question 222, the Hon. E J Reyes.

340 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sport and Leisure provide details of payments made, since the answer to Question No. 97/2013, in respect of 'Sports Grants' under each of the following: (a) Grants to Sporting Societies; (b) International Competitions; (c) Sports Development Projects; and (d) Hosting of Special Sports and Leisure Events?

345 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over to the Member opposite details of Sports Grants awarded since the answer to Question 97/2013.

**Schedule to question 222/2013**

a) <u>Grants to Sporting Societies:</u>	
Swimming Championships	2,430.57
Pool Association	6,600.00
Cricket Association	3,750.00
Cricket Association	2,500.00
Athletics	700.00
Sea Angling Federation	3,010.45
Pool Association	12,596.58
Netball Association	6,641.82
Ten Pin Bowling Association	1,580.50
Hockey Male and Female Competition	18,000.00
b) <u>International Competitions:</u>	
Commonwealth Games Scotland	5,000.00
Straits Games	10,000.00
Island Games Bermuda	80,000.00
Island Games Bermuda GOG Expenses	36,000.00
c) <u>Sports Development:</u>	
Hockey Association Schools development	4,000.00
Athletics Association Gothenburg Event	700.00
d) <u>Hosting of Special Sports and Leisure Events:</u>	
Tradewise Chess Festival	80,000.00
Tenpin Bowling	5,000.00

350 **Hon. E J Reyes:** Mr Speaker, does the Minister happen to have at hand a bit further... sort of broken down of the grants made?

If I take under section (a), it says 'Swimming Championships': I would like to know if that refers to locally hosted championships or whichever type. I know there are international competitions but there could be other types of championships and so on.

355 I do not know if he does have available today, or I am even willing to wait until he can procure the information so that one is a bit more informed of where exactly, or what exactly, the swimming championships and so on entails.

360 **Hon. S E Linares:** Mr Speaker, I do not have that information with me, but if the hon. Member writes to me I will give him all the information in detail, of where... because there are headings... and as he was the Minister for Sports previously: he should know that the grants to sporting societies, when it is related to a championship, it is a local championship, when it is international competitions – (b) – it

would be going to an international competition and so on, but if he wants more details I am willing to wait for his letter and give it to him.

365

**Cultural Grants  
Awards since Question 99/2013**

370

**Clerk:** Question 223, the Hon. E J Reyes

**Hon. E J Reyes:** Mr Speaker, can the Minister for Culture provide details of any further Cultural Grants awarded since the answer to Question No. 99/2013.

375

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth, (Hon. S E Linares):** Mr Speaker, since my answer to Question 99/2013, a further £79,564.75 has been awarded.

380

This information is already updated on the Government website.

**Hon. E J Reyes:** I do not doubt the veracity of what the Minister says now, but at the time of the deadline of posing the Questions the information was *not* available on the Government website.

385

I have been through this in previous months, hence why I pose the Questions and both the Speaker and the Chief Minister have, on previous occasions, agreed that if it was not available on the day that the Question had to be handed in, then, in some shape or form, the Government would provide that across the floor.

390

**Hon. S E Linares:** Mr Speaker, I have the information, actually I brought with me a whole breakdown of all the expenses, which I am willing to pass on to the hon. Member as soon as a photocopy is made.

**Supplementary to question 223/2013**

Cultural Grants paid since Q99/2013

Elena Scialtel's book "Nepenthes"	864.75
The Music Festival (Gibraltar) Ltd - Song Festival part grant	20,000.00
Craig MacDonald - part funding for "Live at Moorish Castle"	2,000.00
The Music Festival (Gibraltar) Ltd - Song Festival final grant	30,000.00
Gibraltar Regiment - steel band	2,000.00
Bayside Comprehensive School	1,500.00
Gib Fringe - part funding first Fringe Festival Gib	4,000.00
Transitions Dance Academy	7,500.00
Publication of book, "We thank God for England"	7,200.00
Colourworks Limited - Sponsorship for Runway 2013	4,500.00

**Mr Speaker:** Next Question.

395

**Victoria Stadium  
Improvements and modifications for UEFA approval and certification**

400

**Clerk:** Question 224, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, I need to clarify: I may have, in my keenness, sort of, going back over previous notes of Parliament sessions, I think I have got a bit of repetition. No. 224 and 226... it is the same question, just obviously referring to different Question numbers, whether the subject has come up

405 before, so I do not know whether Mr Speaker would like me to join them up, which I will do, to... tackle  
this Question. Then, if the answer is forthcoming, there may even be a need for me to withdraw No. 226,  
but all that...

410 Mr Speaker, I am grateful, and therefore Question No. 224 is: further to the answer to Question No.  
15/2013, is the Minister for Sport now in a position to provide this House with details of all  
improvements and/or modifications which will have to be carried out at Victoria Stadium, inclusive of  
players, officials' and spectator facilities, in order to meet UEFA requirements for the hosting of official  
international football matches?

415 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer  
this Question, together with Question 225 and 226, so therefore it just avoids what he has just stated.

420 **Clerk:** Question 225.

425 **Hon. E J Reyes:** We got it. Question No. 225, Mr Speaker, sir: further to the answer to Question No  
98/2013 can the Minister for Sport and Leisure now confirm that the football pitch at Victoria Stadium  
has achieved full approval and certification, thereby meeting UEFA standards for the playing of  
international competitions?

**Clerk:** Question 226.

430 **Hon. E J Reyes:** Further to the answer to Question No. 100/2013, is the Minister for Sport now in a  
position to provide this House with details of all improvements and/or modifications which will have to  
be carried out at the Victoria Stadium in order to meet UEFA requirements for the hosting of official  
international football matches?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

435 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, Government is  
already working with the Gibraltar Football Association and the Gibraltar Sports and Leisure Authority to  
make the necessary modifications to be able to host international competitions at the Victoria Stadium  
and make it a category 2 UEFA standard.

440 For information on UEFA standards, the hon. Member opposite can log on to ...and there is a website  
address, which I will not go through it, but I will give him the copy, because he can get it online and  
therefore he will have all the information that he needs as to UEFA standards there.

**Mr Speaker:** Any supplementaries?

445 **Hon. E J Reyes:** Yes, Mr Speaker, sir, although I may be able to access this website and what is  
required, that does not put me in an updated position of what is already available and what may have been  
modified at the Stadium in the, what, 17 or 18 months that I am no longer the Minister for Sport, and  
therefore something could have been done in the meantime and therefore there is work done and not still  
pending...

450 Mr Speaker, I can bear with the Hon. Minister and wait for, perhaps, that information because it is a...  
as well when it comes to Budget time. It allows both sides of the House to see how much is being pumped  
into that area and whether it makes sense if there is suddenly a big figure, rather than my rumbling upon  
why such a big expenditure it is 2 and 2 equals 4 and it could be because of these requirements and so on.

455 Also bear in mind, Mr Speaker, that both sides of the House are extremely keen and great followers  
and, hopefully, within days now we will become Team 54 in UEFA, joined with today's good news that  
Charlton Athletic will be coming over and playing at the Stadium. We want to impress the visitors not  
only with our football playing but also with our facilities, of which we all want to be really proud.

460 **Hon. S E Linares:** Mr Speaker, it is too early and I would be... It is confidential, as he will know,  
about budgets and therefore I am not privy to what is going to happen, or at least I cannot anticipate what  
this Parliament is going to pass or not pass at budget time. But I can assure the hon. Member that we are  
working very closely with the GFA, that we are looking in order to put the Victoria Stadium into a  
Category 2, which is like a minimum category of the stadium, in order to have international competitions  
and we are even looking at *some* areas in which the Stadium can become even Category 3, so only in  
465 parts.

So we are working closely with the GFA and it would be pre-empting at this time if I give the hon.

Member any information on how we are working with the GFA and the GSLA. I hope the hon. Member understands that.

470 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may be of assistance to the House, the hon. Members have indicated that, of course, although we are keeping our fingers tightly crossed for what may happen on 24th May in London, we should take nothing for granted and, in fact, what happens in London is not a political issue that Gibraltarian politicians would ever dare to delve into, other than to reaffirm that I am sure – whatever Party might be in government at any particular time – we would ensure that the sporting facilities necessary for our footballers will be made available.

475 But I would just highlight at this point there are different criteria for different sorts of UEFA competitions, that Members will be aware of, and this is publicly available information on the UEFA website. There are different standards that UEFA require for different types of matches and at different levels of competition, and it may be that some of those are things that we can aspire to, in the context of the Stadium that the hon. Member is asking about – Victoria Stadium – and some which are just simply impossible to aspire to in the context of Victoria Stadium, because of its environs: but the hon. Member also knows that there are opportunities for the development of footballing areas outside of where Victoria Stadium is today which are being considered by the GFA and the Government.

485 **Mr Speaker:** Any other supplementaries?  
Next Question.

490 **Sports and Leisure Authority**  
**Appointment of Centre Manager and other staff changes**

**Clerk:** Question 227, the Hon. E J Reyes.

495 **Hon. E J Reyes:** Further to the answer to Questions Nos. 101/2013 and 102/2013, can the Minister for Sports and Leisure confirm that the post of Centre Manager, together with any other vacancies within the Gibraltar Sports and Leisure Authority, have now been filled on a permanent basis.

500 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this Question together with Question 228.

505 **Clerk:** Question 228.

**Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of any changes there may have been in respect of persons employed by the Sports and Leisure Authority since the answer provided to Question No. 104/2013?

510 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the vacant post of Centre Manager was filled on 1st March 2013. This has been the only change of the staff complement of the Gibraltar Sports and Leisure Authority.

515 **Hon. E J Reyes:** Thank you for that, Mr Speaker.

I am not entirely clear, by the post of Centre Manager having been filled in has it not created a knock-on effect and therefore a lower down grade has a vacancy – or was the successful applicant an external candidate to GSLA employees?

520 **Hon. S E Linares:** No, Mr Speaker, the vacancy was advertised internally and therefore somebody from the GSLA filled that post and the post... it is projected to advertise the vacancy in the near future.

525

**Question 223**  
**Supplementary**

530 **Hon. E J Reyes:** If the Hon. Mr Speaker would allow me, is reference to Question 223, which was answered a short while ago but the Hon. Minister has now kindly passed on to me the details of the cultural grants, I do have a small supplementary from there. I see that £1,500 has been granted under heading of Bayside Comprehensive School, can I please have some details as to what sort of cultural event or facility, or whatever, was granted to the school, so that it is clear to me that it was a cultural related matter and not just the purchase of, for example, mathematics text books.

535

**Hon. S E Linares:** Mr Speaker, unfortunately I have not got that information, but I will pass it on to the hon. Member, if he so wishes, later.

540

**Gibraltar RFU**  
**Development discussions**

545

**Clerk:** Question 229, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sports and Leisure state if he has, since the answer to Question No. 934/2012, held discussions with the Gibraltar Rugby Football Union in respect of providing renewed facilities for the playing, teaching and development of the sport; and, if so, provide details of any agreements/understandings reached?

550

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

555

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no formal meetings have been held since my answer to Question 934/2012 but have met informally with members of the Gibraltar Rugby Football Union in March.

560

**Victoria Stadium playing surface**  
**Approved by International Rugby Board**

**Clerk:** Question 230, the Hon. E J Reyes.

565

**Hon. E J Reyes:** Further to the answer to Question No. 105/2013, can the Minister for Sports and Leisure now confirm that the playing surface recently installed at the Victoria Stadium enjoys full approval and certification by the International Rugby Board?

570

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the situation remains the same. HM Government is still awaiting the certification from the International Rugby Board.

575

**Hon. E J Reyes:** Any indication, Mr Speaker, on a time span, or whatever, when this is expected?

**Hon. S E Linares:** Well, Mr Speaker, I can tell the hon. Member that an international rugby match was held in Gibraltar in March this year between Gibraltar and Cyprus. A representative of the IRB was present and was very satisfied at the playing surface, so that does not equate to actual certification but, again, we are trying to pursue to have it actually certified by the IRB.

580

**Hon. E J Reyes:** Yes, Mr Speaker, but although I agree that certain individuals may start to moot that the facilities look good and so on, do we have an estimated date, a target date, by which we think we will probably have the certification?

585

**Hon. S E Linares:** Mr Speaker, I wish I had it now. It is a question of the GSLA following it up constantly with the IRB. Until the IRB actually sends that certificate we can keep on following it up with them and I think the GSLA – I know that the GSLA – is also following it up with a company that actually laid the turf, so that they can see if they can also press on to the IRB about the certification.



590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might also assist the House in this, the hon. Gentleman knows that there is another issue pending in respect of rugby in Gibraltar, and that, therefore, pressing too much just for the purpose of getting a certification might not be in the interests of local rugby, given that there are bigger issues at stake.

595 For example, if the issue had simply been to get UEFA to say yes or no to whether Gibraltar should form part of its Association, no is the quickest answer that somebody can give. Therefore, I think he will know what I am referring to and that it is for that reason, that there are bigger issues at stake than just the certification of the pitch... which is obviously acceptable because it has already hosted international events.

600 **Hon. E J Reyes:** No, I understand that, Mr Speaker.

605 One of my reasons for following this up, as well, is, like the Minister was saying, the contractor has come and laid the pitch, there are snagging periods and warranty periods and so on, and in being prudent and so on we have got to make certain that we do not sort of run out of time where one can go, I know the company that has sold it is not one of those cowboy companies and so on and are probably interested in carrying out further works in Gibraltar in the future but, for the interest of sports lovers and the rugby fraternity itself, I think we – both sides of the House – owe it to them to give reassurance that we will follow it up and provide the best facilities that are most affordable for this community in as soon a time as possible.

610 **Hon. S E Linares:** Yes, Mr Speaker, the guarantee of the company that laid the turf was for the football and that certification has been given. What we have tried now is to get the certification of the IRB, which is what we are following, we are trying to get.

615 Like I said in answer to a supplementary before, the rugby fraternity, as international, are happy with the turf. They were here, they played Gibraltar, Cyprus. They were extremely happy because it is... if I remember correctly, they equated to the Saracens pitch in London: it is exactly the same turf and they are quite happy about the quality and the turf that we have got, it is just a question of trying to get a certificate that just gives us a certificate, basically.

620

#### **Gibraltar Cricket Association Discussions over renewed facilities**

**Clerk:** Question 231, the Hon. E J Reyes.

625

**Hon. E J Reyes:** Can the Minister for Sports and Leisure state if he has, since the answer to Question No. 1018/2012, held discussions with the Gibraltar Cricket Association in respect of providing renewed facilities for the playing, teaching and development of the sport; and if so, provide details of any agreements/understandings reached?

630

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

635 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no further formal meetings have been held since the answer to Question 1018/2012 but I have met informally with members of the Gibraltar Cricket Association at the launch of their new logo in March.

#### **Europa Sports Ground Details and cost of works carried out**

640

**Clerk:** Question 232, the Hon. E J Reyes.

645 **Hon. E J Reyes:** Further to the answer to Question No. 106/2013, can the Minister for Sports and Leisure provide details of works and cost carried out at Europa Sports Ground, together with pertinent information in respect of any other works which are planned but not yet commenced or completed?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

650 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the following are the details of recent works and their costs, carried out at the Europa Sports Ground: recycled turf for

rugby and cricket training, excavation, preparation, laying of sub-base, removal of debris, etc. and laying down of 3,019 sq. m. of turf – £68,172.62; Repairs to perimeter fence and accesses – £1,340; Repairs to cricket playing area, including laying of turf at cricket wicket – £7,128.80; This is a total of £76,641.42.

655 There are still some minor items to be invoiced by the contractor: these are not expected to be over £3,000 in total.

660 **Hon. E J Reyes:** Sorry, Mr Speaker, I just missed the first figure, because the turf that was laid for training, when the Minister spoke about 3,019, I thought it was the figure which I noted and then it happened to be square metres, so can I actually have the financial figure as well.

**Hon. S E Linares:** Mr Speaker, if he wants, I will pass him over all the information.

**ANSWER**

**THE HON THE MINISTER FOR SPORTS, CULTURE, HERITAGE AND YOUTH**

Mr Speaker,

The following are the details of recent works, and their costs, carried out at the Europa Sports Ground:

**Recycled turf (for Rugby and Cricket Training):**

Excavation/preparation/laying of subbase/removal of debris etc and laying down of 3019 sq m of turf: **£68172.62.**

Repairs to perimeter fence and accesses: **£1340.00**

Repairs to cricket playing area including laying of turf at cricket wicket: **£7128.80**

Total as at 9 May 2013 is **£76641.42**

There are still some minor items to be invoiced by the contractor. These are not expected to be over £3,000 in total.

665 **Mr Speaker:** Next question.

670 **Youth Clubs  
Volunteer recruitment and opening**

**Clerk:** Question 233, the Hon. E J Reyes.

675 **Hon. E J Reyes:** Further to the answer to Question No. 107/2013, can the Minister for Youth confirm if the campaign to recruit volunteers to work in the Youth Clubs has now been completed and, therefore, as from when does his Ministry expect to open youth clubs every weekend as per his Party's manifesto commitment?

680 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, as stated in answer to Question 107/2013 the campaign to recruit volunteers to work in youth clubs is continuous. The youth clubs are currently working on projects which include weekends.

685 **Hon. E J Reyes:** Mr Speaker, do we have a concrete date by when we expect the youth clubs to be open every weekend.

690 **Hon. S E Linares:** No, sir.

695

**Queen's National Theatre project  
Involvement of Gibraltar Amateur Drama Federation**

**Clerk:** Question 234, the Hon. E J Reyes.

700

**Hon. E J Reyes:** Can the Minister for Culture provide this House with details of reasons why the Gibraltar Amateur Drama Association has not been invited to form part, nor consulted on the matter, of the Committee which is tasked with advising the Government in respect of the recently announced Queen's National Theatre project?

705

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

710

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the Committee set up to advise the Government on the refurbishment of the Queen's National Theatre is made up of individuals and not any organisations or any representatives of any organisations. One of the things that the Committee will be asked to do is to consult organisations such as GADA and others.

715

**Hon. E J Reyes:** Yes, Mr Speaker, one sees from the press release of those nominated and invited to form part of the Committee that this has been an invitation to individuals. But is the Minister aware that there has been great disappointment within those involved in the amateur dramatics world, that a long established drama association, which is apolitical and therefore would always wish to work well with whoever is in administration at the time, have not been involved as, in many ways, they would have expected to be leading players in this respect, even though there is a consolation that some individuals who also happen to be part, and members of GADA maybe, but they are not there other than in their own capacity and therefore not representing the proper collective views of GADA, which has always been well respected in this community?

720

**Chief Minister (Hon F R Picardo):** Mr Speaker, I draw the hon. Gentleman's attention to the last sentence of what the Hon. Minister has said, and that is that one of the things that the Committee will be asked to do is to consult organisations, such as GADA and others.

725

The hon. Gentleman knows that Gibraltar is rife with talent, whether it is in dance, or in drama or in any of the other disciplines that are displayed on a stage, and therefore there is a proliferation of organisations, all of which represent an element of expertise and the Government had a choice of simply selecting all of those organisations and asking them for a representative to put on this Committee or to appoint individuals who have specific expertise, some of them across those different organisations, and asking that Committee to make recommendations to the Government and, in doing so, to take into consideration the representations of the organisations that are relevant and, indeed, to meet those organisations.

730

The hon. Gentleman may not be aware but the disappointment expressed by one particular organisation has now been tempered and that some of the things that might have been said in public are not the *current* position of those organisations, having now understood what the intention of the Government is.

735

But, of course, Mr Speaker the whole point is that the Government is taking the view that it does not know best on how to create a theatre and how to deliver what that theatre must contain in order to be a new theatre for our community that fits its needs both in respect of amateur dramatics such as that new theatre may be relevant to amateur dramatics and the sort of touring productions that all of us would like to see able to be hosted in such a facility.

740

Mr Speaker, I put it no higher than that, other than to say that we believe that the expertise is there to give us that advice in the Committee that we have constituted, that the Committee will want to talk to these organisations and that therefore we will be able to deliver a new theatre, fit for purpose, within the lifetime of this Parliament.

745

**Hon. E J Reyes:** I am grateful to the Chief Minister, Mr Speaker. Yes, in the light that consultation will take place with bodies which, of course, will include GADA does change and does calm matters.

750

I feel that, at the time of drafting this I think the Chief Minister and the Minister for Culture can both understand that – I even feared there may be a certain amount of resignations, if not even a block resignation by GADA, sort of saying no-one is really interested in us and they are not taking us seriously. That would be a sad day for Gibraltar, but I think, from that answer, one can safely deduce that the consultations and exchange of ideas will come forth and certainly if, at the end of the day, we are going to get a better product for Gibraltar and, at the same time, ensuring that GADA's views are taken into account, like everybody else's, but given that sense of appreciation, then we are starting to head in the right direction, Mr Speaker.

755

**Hon. Chief Minister:** Well, Mr Speaker, I am grateful for his words, except for the fact that he suggests that this represents a change in the point of view of the Government and what it is that we have asked the Committee to do. It does not.

760 I am expressing to him now what I have expressed to the Committee and what the hon. Member will be asking the Committee to do and what it was the intention that the Committee should do from the very, very beginning. In fact, I think that I may even have expressed sentiments to this effect during the course of the lengthy interview I gave GBC or, if not, during the course of the press conference that we gave at the Queen's Cinema on the day of the launch of the Committee and the announcement that we made. So  
765 he should take it from me that this is not a change of position, this is actually the position that was adopted and hence why he need not have feared that there might be mass resignations from any particular organisation, feeling that they were less than appreciated. Indeed, in the time that we have been in office, we have worked with GADA and supported GADA in its productions and they can continue to count on the support of the Government as much as they had it before the announcement of the Queen's Cinema and the Committee that has been put in place as afterwards.

770 The hon. Gentleman will know that certain plans were envisaged for Ince's Hall which might have required changes to the way that GADA was housed. Some of those changes may still be required and GADA will form part of the re-provisioning of what it is that GADA have, so that they can continue to produce amateur dramatics for our community, given the investment that this Government is making not just in respect of the Queen's Cinema but also, of course, as he knows, I have made some announcements  
775 in respect of Ince's Hall and how that might be refurbished, and there may be some changes to those, to the detail of those plans. So he can rest assured that everyone is not just appreciated but they form an important part of what it is that we want to do.

780 Of course, it is difficult to see how one can be accused of wanting to be all things for all men and having disappointed some others – so it is either one or the other.

**Culture and Heritage Agency  
Changes in personnel since Question 103/2013**

785

**Clerk:** Question 235, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Culture and Heritage provide details of any changes there may have been in respect of persons employed by the Culture and Heritage Agency since the answer provided to Question No. 103/2013?  
790

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, there have been no changes.  
795

**Work on heritage sites  
Details and cost**

800

**Clerk:** Question 236, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any heritage-related site; stating by whom these works were carried out, as well as confirming that the Gibraltar Heritage Trust was duly consulted before commencement of any works?  
805

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, sites that appear listed under the relevant schedules of the Heritage Trust Act and have had works carried out to them are the Grand Battery and Parliament.  
810

In relation to Grand Battery Phase 1, the works consisted of removing and clearing of debris to expose the eighteen embrasures and fire steps. This has allowed for the salutes by the Royal Gibraltar Regiment to take place in the area. The Heritage Trust Board was duly consulted and the scheme was approved. The scheme was also approved by the Development and Planning Commission. The contract, with a value of £73,445.92, was awarded to GJBS. It was completed on 11th June 2012.  
815

820 Works to Parliament, as we have all heard this morning, Phase 1 consisted of a complete refurbishment of the debating Chamber and public gallery: new audio and visual equipment has been installed, new air conditioning equipment fitted and new furniture manufactured.

The Heritage Trust Board was consulted on 20th December 2012. The contract, to the value of £678,000, was awarded to GJBS.

825 Two other sites, even though not listed under the Gibraltar Heritage Trust Act, were presented to the Board of the Trust before works were carried out: these are to the Main Guard and Devil's Gap path.

In relation to the Main Guard, phase 1 works, which are located at John Mackintosh Square, consist of replacing the existing roof. Being the Heritage Trust's office, the Board has been, and continues to be, consulted on this project. The contract value of £100,113.57 was awarded to Koala Limited.

830 In relation to the Devil's Gap path works, this consists of clearing up and making safe a footpath that connects the Upper Town area with the Upper Rock Nature Reserve. The Heritage Trust and the Development Planning Commission have been duly informed before work commenced.

**Hon. E J Reyes:** Yes, Mr Speaker, my question was 'works undertaken at any heritage-related site'. If I can bring in a couple of matters that perhaps the Minister can shed some light on that.

835 I know that recently, and also because the RGP had posted notices and so on, some works have been carried out at Parson's Lodge and therefore the Minister might have some information in connection with that. One also sees, walking up Main Street, that there is scaffolding and works being carried out at the Convent, which I believe is a heritage-related site and, if my recollection is correct, it is even listed in the Act and therefore does require the proper permits, after due consultation with Heritage Trust. Likewise, works going on at Wellington Front and Douglas Cave, which I believe are very much heritage-related sites.

840 So, does the Minister have any information relating to those four that I have just brought up?

**Hon. S E Linares:** Mr Speaker, in relation to the Wellington Front, this was commenced by the previous administration so it is a continuation of what was started then and in the Convent, likewise. 845 These were approved by the previous administration and therefore we are just continuing the project.

I do not know which others he mentioned... the other two he mentioned.

**Hon. E J Reyes:** Douglas Cave and Parson's Lodge are the other two, Mr Speaker.

850 **Hon. S E Linares:** Well, Mr Speaker, those two are not heritage sites... Well, Parson's Lodge obviously is, but the works done there were not of a heritage nature so, therefore, it does not apply because, as the hon. Member knows – he must have gone to Parson's Lodge before – down below there is the... what is used for the excavation of Gorham's Cave by the Heritage Division. They use kitchens and they use other places within Parson's Lodge, which is not of a heritage nature. 855

**Hon. E J Reyes:** Yes, Mr Speaker, that part of Parson's Lodge may not be, strictly speaking, protected by the Heritage Act but because my question read heritage-related site, can we have some information of what works and what costs have been carried out there at Parson's Lodge? Can I start with that, Mr Speaker? 860

**Hon. S E Linares:** Mr Speaker, if he gives me notice specifically of that question, I will answer it. I mean, he stated... now he is homing in onto Parson's Lodge, which is not the heritage site that he is asking details for.

865 I am willing to pass on to the hon. Member the information he seeks.

**Hon. E J Reyes:** I am sorry, Mr Speaker, but I disagree. Parson's Lodge is a heritage-related site. That is what my wording says. I did not specifically home in, perhaps, on the words 'Parson's Lodge' but I think Gibraltarians who know the area would certainly call it a heritage-related site.

870 Also, Mr Speaker, can I come back on the other points. Work at the Convent and Wellington Front may have been started whilst I was Minister for Heritage but since I am not answerable for that since 9th December 2011, I think I am entitled to seek that information across the floor of this House, can Mr Speaker, rule on that, please.

875 **Hon. S E Linares:** So the question is what is the ruling from the Speaker?

**Hon. E J Reyes:** The question is, Mr Speaker, can I have then the information of anything that has happened in any of these sites since 9th December 2011? Also my question was because I have worded it a heritage-related site and not exclusively sites or areas of a site that were specifically listed in the Heritage Act, can I have some information pertaining to Parson's Lodge as well?

880 **Hon. S E Linares:** Mr Speaker, I have already answered the question. The works related to the area of Parson's Lodge has not got any heritage implications. It was to do with dampness of the place underneath, which is not a heritage site.

885 We did not actually tamper, because, if not, we would have consulted the Heritage Trust and it would have had to go through the DPC, which I can say that Wellington Front and the Convent never went through, but we are going through the DPC and consulting the Heritage Trust. Therefore, what I am saying to the hon. Member is that the works done – and I will give him the information – but it is not related to heritage, it is related to other works that are done in the area which have no heritage implication.

890 For example, I can say that the place where the excavation... the archaeologists that come to do excavations in Gorham's Cave usually stay there the night. They stay at the bottom of Parson's Lodge: they have a place and it was damp – the wall was damp, so that was fixed. That is the works but it did not have any heritage... nothing was touched at the top of Parson's Lodge, so the works are not related to heritage sites as such. That is what I was trying to say to the hon. Member, so I have answered the question.

895 **Mr Speaker:** Is the Hon. Minister saying that he was not in a position to answer that Question because he took that question of Parson's Lodge as being outside the ambit of the Question, but that he is in a position, not today, but to provide the information later. Is that the case?

900 **Hon. S E Linares:** Yes, I do, but it is not answering the specific question. I mean, this is extra information that I am giving. That is why I said if he wants to pose the question I can either do it by him posing another question or me giving him the information. What I am saying is it is not related to heritage.

905 **Mr Speaker:** What does the Hon. Mr Reyes say about that?

**Hon. E J Reyes:** I will gladly receive the information if he has it, Mr Speaker.

910 **Mr Speaker:** Next...

**Hon. J J Netto:** Could I?

**Mr Speaker:** Yes?

915 **Hon. J J Netto:** I would like to ask a supplementary question if I may in relation to Wellington Front, picking up what the Hon. Minister was saying basically was that it is a continuation of the work carried out beforehand by the GSD Government. As far as I can recollect, the work that was carried out was mainly refurbishment of the vaults within Wellington Front. Is that still the case today?

920 **Hon. S E Linares:** Well, Mr Speaker, there are other works that have been done: not only the vaults, the vaults was not part of the works.

925 The works that have been carried out recently are to do with the problems of flooding, which has been traditional to the Wellington Front and therefore what needs to be done there. Infrastructure has been put in place in order to alleviate the flooding and that means that the Technical Services Department is working on having a type of pumps and equipment that will deal with the actual flooding of the whole area, so that is the works that have recently been done.

**Mr Speaker:** Yes?

930 **Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, in relation to the building that is by the pétanque club, could the Hon. Minister say is this a permanent structure, has permission been sought from the Heritage Trust in order to erect a permanent structure there at North Bastion?

935 **Hon. S E Linares:** No, Mr Speaker, the pétanque is a completely different issue, so if the hon. Lady would like to ask me a specific question on the pétanque I will answer it because, again, it is not related to the heritage part of the question that the Hon. Member, Mr Reyes, has asked because it is now going beyond what the questioner has asked me.

940 **Hon. J J Netto:** Mr Speaker, if I may, coming back to the Wellington Front, the Minister said that the work was due to flooding of the place. Is the work being carried out by GJBS or by any other private contractor?

**Hon. S E Linares:** Mr Speaker, I would not like to say who the contractor is because I am not sure so, therefore, I would be misleading this House, should I give him the company that is doing it. So therefore I would ask the hon. Member if he wants to ask that specific question to put it to the House.

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**Mr Speaker:** The Hon. Mr Reyes, does he...

**Hon. E J Reyes:** Yes, Mr Speaker, I am grateful sir. Am I getting some information now, which I think the final wording was that the Minister did have some information he was going to pass it on. Am I to wait for that before Mr Speaker says to move on to the next Question or what is happening sir, can you please update me, I am a bit lost at the moment.

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**Mr Speaker:** I was under the impression that the Hon. Minister was prepared to make that information available in due course. That was my understanding.

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**Hon. S E Linares:** Yes, absolutely, Mr Speaker, because it was not part of the Question. I am willing to give him the information but I have not got it here with me now.

**Hon. E J Reyes:** Then we agree to disagree because I still maintain that the wording in my question was heritage-related site and not necessarily to those on the schedule there.

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Mr Speaker, sir, one of the locations that is actually on the schedule of the Heritage Act is the King's Bastion and I believe some works have had to be undertaken there recently. Is the Minister able to provide us with any information in respect of that location?

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**Hon. S E Linares:** Mr Speaker, I am not aware of any works being done in King's Bastion that I can recall. That answers again the question. So, again I would need notice of that question specifically with King's Bastion.

**Hon. E J Reyes:** Mr Speaker, the Minister also doubles up as the Chairman of the Gibraltar Sports and Leisure Authority and some of the facilities were recently closed because some works had to be carried out. The advice to public users was that some works were being carried out and nothing else: I do not know under which sort of portfolio he can assist us, but can he please provide some information either as Minister for Heritage, or as Chairman of the Gibraltar Sports and Leisure Authority, what is actually happening at the King's Bastion Leisure Centre – and may I add, as well, allay some fears? Someone says they are constructing new bars or whatever... maybe he is aware of that information.

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**Hon. S E Linares:** Mr Speaker, I am not aware of all that information that the hon. Member is saying.

**Hon. E J Reyes:** So, then, Mr Speaker, despite my having given notice of heritage-related sites – and that includes the King's Bastion Centre – the answer is 'no', he is not providing any information across the floor.

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**Mr Speaker:** The reality is that the Hon. Mr Reyes, you have asked a question related to heritage matters. A fairly detailed answer has been given, you have then raised other matters where the Minister has told you that, in some cases, they do not have implications for heritage, nevertheless he has undertaken to provide you with as much information as possible. Now you are raising the question of King's Bastion, where the hon. Member seems to be aware that there is some work going on there, which the Hon. Minister does not seem to be aware is the case, and which may, in any case, not have any heritage implications. I do not see how we can progress the matter any further.

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**Hon. D A Feetham:** Mr Speaker, but you see the confusion appears to be in the way that the Question has been interpreted. The question is the cost and the work undertaken in any heritage site, it does not necessarily have to be heritage-related work, it is the work on a heritage site, that is the question. Now, the Hon. Minister has interpreted it as heritage related work. That is not the question, it is work on heritage related sites.

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**Mr Speaker:** I do not know how the Minister has interpreted it but when I look at it I also notice that he has been asked to confirm that the Gibraltar Heritage Trust was duly consulted. The Gibraltar Heritage Trust are normally consulted on matters which have heritage implications. If that is not the case, then perhaps I am wrong.

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**Hon. D A Feetham:** Not necessarily, not necessarily you may have work undertaken on a heritage site that requires consultation with the Gibraltar Heritage Trust but it may not be heritage-related work, it

1005 just has an impact on heritage, or it may have an impact on the site, obviously, because the work is being undertaken on the site, but he has asked about work and the question is quite clear, he has asked about works, all works, at any heritage related site. Now we do not want to make a mountain out of a mole hill. That is the question, that is the question. There is no confusion in the question it is the way that the Hon. Minister has interpreted it. If he can provide the information at a future date, we are satisfied with that.

1010 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might, I think that the question actually creates considerable confusion, for this reason: there may be works ongoing at what is a heritage site – and King’s Bastion Leisure Centre is an area that I think all of us agree is a heritage site – which may not be being carried out by the Government. Hon. Members know that, in fact, they granted concessions in that area to operators of facilities, and operators of facilities may be carrying out works which have absolutely  
1015 no implications for the heritage of the site, where they themselves may have sought either DPC consent, or not required DPC consent, or where they may have consulted with heritage and short of sending a civil servant or the Minister round to each heritage site in Gibraltar to see what may be ongoing there, I think it is actually quite impossible, other than with the generosity of the hon. Member who has answered the question, to say, or to have responsibility for those works.

1020 The hon. Gentleman has asked about what is ongoing at the King’s Bastion Leisure Centre. Those may be works undertaken by one of the landlords of one of the bars there on one of their bars, in other words not on any of the fabric of the place but what is done on their bars. Perhaps if the hon. Gentleman tells us where he says that work is ongoing at the King’s Bastion Leisure Centre, the hon. Member may actually be able to particularly check – because those works may have finished by now – may particularly  
1025 check what those works were and what implications, if any, they had.

**Hon. D A Feetham:** Mr Speaker, that, with respect, cannot be a reasonable interpretation of this question, for the simple reason the Government is only responsible for Government business to this House. We cannot ask questions about private contractors. They are not responsible for that: the question  
1030 is obviously related to works that are effectively Government approved or Government involvement works, no other work. We cannot expect the Government to be accountable to this House for the work undertaken by a bar privately, by a privately owned bar, and it is not reasonable to interpret the question in that way.

1035 **Mr Speaker:** I get the impression from what I have heard this afternoon that the Hon. Minister has given a *bone fide* answer, based on information that he has.

Matters have been raised by the Hon. Mr Reyes on which the Minister does not appear to have information, but he is not reluctant to look into the matter and see whether he can obtain that information. I do not get the impression that the Minister is avoiding answering matters for some hidden motive or  
1040 other. It is just that he does not seem to have the information because he interpreted the question in a particular way and the ambit of the question has been widened somewhat. I think the Hon. Mr Reyes can refer to whatever other sites he is aware of where there is some work going on, make that information available to the Minister and I think the Minister has undertaken to look into it and provide information.

1045 There will be an opportunity to provide the information later on during this meeting of the House, because we are going to be in session for a few days. Is the Minister satisfied with that?

**Hon. E. J Reyes:** Thank you, Mr Speaker.

1050 Yes, like you rightly say, we might be here for a few days. I will wait to see what the Hon. Minister can provide me and then, if need be, I can give him due notice of further questions that I may have arising out of that information. It would save us all a lot of time if he provides me with that information, rather than my duplicating it there, and would work forwards from henceforth.

1055 **Hon. S E Linares:** Mr Speaker, for clarity, the information that he has asked me is to do in relation to Parson’s Lodge, correct? Because there have been other areas that have been mentioned across the Opposition side, not only Parson’s Lodge, Kings Bastion, Pétanque, Convent, Wellington Front... I mean, what I said to the hon. Member is that I will give him – because he pushed me on the Parson’s Lodge issue – that I will give him the information to Parson’s Lodge. I think it is only fair that, should the other Members and himself want further clarifications on *all* the other ones specifically, they can ask the question in another session in this House and I will be happy to give them all the information that they  
1060 seek. Just for clarity’s sake, when I told him that I can give him the Parson’s Lodge information, that is what I offered to this House.

**Mr Speaker:** Next Question.

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**Waterport Power Station  
Type, capacity and number of generator engines**

1070 **Clerk:** Question 237, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities please say the type, capacity and number of engines operating from Waterport Power Station during 2012 and 2013, and provide on a monthly basis the megawatts produced (particularly at peak periods of consumer demands)?

1075 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the type, capacity and number of engines operating from Waterport Power Station during 2012 and 2013, has been as follows:

1080 3 x KV12 Mirrlees M3 diesel engines, with an output of 5.2MW each.  
 3 x Caterpillar skid mounted generators, with an output of 1.4MW each.  
 4 x Caterpillar skid mounted generators, with an output of 1MW each.  
 The winter peak in 2012 was 35.1MW. The summer peak in 2012 was 32.8MW.  
 The winter peak for 2013 was 34.2MW

1085 Mr Speaker, I could go on with the energy produced into the Gibraltar grid, which there is a whole chart here, which I should be really reading to this House since it is an oral question, but I am quite happy to pass this information to the hon. Member via photocopy and then it saves me having to read the whole lot! I am willing to do so anyway, so it is up to him, Mr Speaker.

1090 **Hon. J J Netto:** Mr Speaker, I am very grateful to the Minister.

Energy produced into the Gibraltar grid:

2012	Waterport Generated MWh	2013	Waterport generated MWh
JAN	7,684	JAN	5,104
FEB	7,438	FEB	4,506
MAR	7,256	MAR	5,121
APR	5,670	APR	4,616
MAY	7,836		
JUN	7,684		
JUL	8,257		
AUG	8,185		
SEP	7,718		
OCT	8,317		
NOV	7,779		
DEC	7,659		
TOTAL	91,488		

Mr Speaker, I think we can carry on to the next question, if that is OK.

1095 style="text-align: center;">**North Mole Power Station  
Type, capacity and number of generator engines**

**Clerk:** Question 238, the Hon. J J Netto.

1100 **Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities please say the type, capacity and number of engines at the North Mole Temporary Power Station (connected to the Waterport Power Station) and provide on a monthly basis the megawatts produced (particularly at peak periods of consumer demand) by this temporary station since commencement of operations?

1105 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the North Mole Temporary Power Station is comprised of the following:

5-x T60 Caterpillar Solar skid mounted turbines, with an output of 5MW each

The energy produced in megawatt hours to date is as follows:

1110 December 2012 – 2,392 MWh

January 2013 – 8,176 MWh

February 2013 – 7,644 MWh

March 2013 – 8,116 MWh

1115 April 2013 – 7,756 MWh

The peak power generated into the Gibraltar electricity distribution network from the North Mole temporary Power Plant has been 18MW to date.

1120 **Temporary Power Station at North Mole  
Need for reinforcing high voltage network**

**Clerk:** Question 239, the Hon. J J Netto.

1125 **Hon. J J Netto:** Mr Speaker, can I just ask before saying the next Question whether the hon. Gentleman may provide me a copy of the figures of the previous question, so I can have them available, if that is no problem.

1130 **Hon. S E Linares:** No problem, Mr Speaker.

**Hon. J J Netto:** Shall I move on, then, to the next Question?

1135 Mr Speaker, given the recent incorporation of the temporary Power Station at North Mole, could the Hon. Minister with responsibility for Utilities explain if there is a need for reinforcing the high voltage network?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1140 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, with the commissioning of the North Mole temporary Power Station new high voltage cables were indeed laid between the new site and Waterport Power Station. These new cables have reinforced the high voltage network accordingly.

1145 **Hon. J J Netto:** Right, I take it that what has been reinforced is the connection between the North Mole temporary Power Station and the link to Waterport Power Station. But I think my Question basically was much more wider than that, in the sense of the whole grid. Does the Minister feel that the whole grid needs to be reinforced?

1150 **Hon. S E Linares:** Mr Speaker, it is not whether I think that it should be reinforced, it is the technicians themselves who decide what type of distribution network is needed, and therefore they are quite confident that by only laying that cable the distribution of the power is at the voltage that is needed to be done. If not, they would not have done it, I presume.

1155 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may assist the hon. Gentleman, I think that the answers that he is getting arise from the wording of his question about the high voltage network. Because there is a particularly high voltage that is going to come from where the present temporary Power Station is sited – and where it is very likely that the future power station may be sited – to Waterport Power Station, what is today Waterport Power Station, which is still very likely to be where the distribution network starts.

1160 If he is talking about the whole of the distribution network, then he will have seen that, on a number of occasions when I or the Hon. the Minister for Utilities have spoken about the infrastructure as it is today, then there is certainly a lot of work that is going to be done to that infrastructure, to the distribution network, which is not just high voltage network cables, it is all of the distribution network in Gibraltar, because he may have heard me say that the power cuts we have been experiencing, in particular since the arrival in Gibraltar of the turbines that are at the north end of the North Mole – the north western end of the North Mole – are not related to generating capacity. They are related very often, if not exclusively, to problems with the distribution network, but that is not just the high voltage network but different parts of the distribution network, and what is happening, Mr Speaker, is that the work on that distribution network

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1170 is ongoing work now. It is no longer related to the implementation of the new power station tender programme, although that may require high voltage parts of the network to be upgraded at the same time or in parallel as the whole of the distribution network is in the process of being upgraded, because that is now so aged that a lot of the failures are there.

1175 There is also not just the problem with the *age* of the network but you will also have heard me say that some of the schematic of that network is not entirely up to date. When contractors want to do work in different parts of Gibraltar, they may not have a clear schematic that they are going to go through part of the distribution network and therefore cause a power cut: you will recall that one of the power cuts, I believe in April of last year, which was before the arrival of the turbines, when we did not have the generating capacity, was, nonetheless, caused by a major failure in the distribution network because a contractor went through a cable without knowing it was there – because the schematic was not as it should be.

1180 I hope that assists the hon. Gentleman with understanding why the hon. Gentleman was talking about *that* area in respect of high voltage network alone.

1185 **Hon. J J Netto:** Yes, indeed, Mr Speaker, the Chief Minister's intervention has been quite useful in terms of getting into a much wider picture, which I was trying to get at.

In relation to the upgrading of the distribution network, does the Government have a timeframe as to when the different elements of this are going to take place?

1190 **Hon. Chief Minister:** Can I ask the hon. Gentleman to note that this is an item that will form part of the debate on the Appropriation Bill and that he might have a better opportunity of seeing how we cast the timetable as a result of what he will be told in that debate.

1195 **North Mole temporary Power Station  
EU Directive on Noise Levels**

**Clerk:** Question 240, the Hon. J J Netto

1200 **Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities please state if there have been occasions in which the engines at the North Mole temporary Power Station have exceeded the EU Directive on noise levels, either on its own or in combination with Waterport Power Station and, if so, could the Hon. Minister say on how many occasions this has happened and for how long?

1205 **Clerk:** Answer the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the EU Directive on Environmental Noise does not apply to noise from industrial emissions. It applies in Gibraltar to noise from traffic.

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**Ex-OESCO Power Station  
Type, capacity and number of generator engines**

1215 **Clerk:** Question 241, the Hon. J J Netto.

1220 **Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities say the type, capacity and number of engines or skids at the ex-OESCO Power Station, and provide on a monthly basis the amount of megawatts produced (particularly at peak period of consumer demand) since December 2011, either by the previous owner or the current ones, into the Government Grid?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1225 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the type capacity and number of engines operating from the ex-OESCO Power Station is as follows:

3 x KV16 M1 Mirrlees engines, with an output of 5.1MW each (2 units decommissioned, 1 unit under repair)

2 x K6 M1 Mirrlees engines, with an output of 1.8MW and 2.5MW respectively (1.8MW unit decommissioned)

- 1230 1 x K8M1 Mirrlees engine, with an output of 2.5MW  
 1 x KV12 M2 Mirrlees engine, with an output of 5.1MW (decommissioned)  
 6 x Caterpillar skid mounted generators, with an output of 1.4MW each.
- 1235 Mr Speaker, as I did with the previous Question, if the hon. Member and Mr Speaker allows, I will pass on this information, because I could go on again every single month giving him a figure which he will ask me to pass on – so I will directly pass it on to the hon. Member.

**Energy produced ex-OESCO Power Station into Govt Grid:**

	MWh		MWh
Dec.-11	6,910	Jan.-13	1,669
Jan.-12	7,335	Feb.-13	1,720
Feb.-12	7,660	Mar.-13	2,631
Mar.-12	7,928	Apr.-13	2,781
Apr.-12	8,067		
May-12	5,536		
Jun.-12	5,412		
Jul.-12	5,375		
Aug.-12	4,847		
Sep.-12	5,024		
Oct.-12	5,189		
Nov.-12	4,055		
Dec.-12	2,376		

- 1240 **Hon. J J Netto:** I am grateful, Mr Speaker.
- 1245 **Hon. S E Linares:** Yes, Mr Speaker, just to add in the information that I am passing over to the hon. Member, in all the information that we are passing over, he has got to realise that, as from December 2011 when we came in, the OESCO Power Station, for example, has been going down and down and down in the production of the megawatts, so much so that in January 2013 it was producing 1.669 MW, as opposed to April 2012, when it was producing 8,067. The same has happened with the other information that I have given the hon. Member.
- Hon. J J Netto:** I am grateful, Mr Speaker.
- 1250 **Mr Speaker:** Next Question.

**Ex-OESCO Power Station  
 Government's contractual relationship with current operators**

- 1255 **Clerk:** Question 242, the Hon. J J Netto.
- 1260 **Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities say what is the contractual relationship between the Government and the current operators of the Ex-OESCO Power Station?
- Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.
- 1265 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the current operator of the Ex-OESCO Power Station, Bolaños General Mechanical Engineers, have been contracted by the Gibraltar Mechanical Electrical Services Company, a wholly owned HM Government of Gibraltar company.
- 1270 **Hon. J J Netto:** I think perhaps I got a bit confused – if the Hon. Minister could clarify – are we talking about a perfectly private company or is he talking about a different kind of Government-owned company? Which of the two?
- 1275 **Hon. S E Linares:** No, Mr Speaker, Bolaños General Mechanical Engineers is a private company that is contracted by GMES, which is the Government wholly-owned company.

**Hon. J J Netto:** Mr Speaker, in that context can the Minister for Utilities say what is the unit cost of energy that the Government has to pay to the company for the energy that is being produced?

1280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think it is fair to say that we would need, on this side of the House, notice of that question. But, if I can just clarify to the hon. Gentleman, the production of electricity is something that is being done by the owner of the units, which is GMES. So that cost is being borne by the Government. There is a contractual arrangement with Bolaños to operate the units so there is a cost of operation but the units are owned by the Government and the fuelling of the units happens internally. It happens at a GMES level. So I think, with notice, the hon. Gentleman can have the cost per unit but that is not going to give him details of the contract with Bolaños, if that is what he is seeking to obtain, because we are not buying units of electricity from Bolaños.

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1290 **Hon. J J Netto:** I think, Mr Speaker, we are getting confused because the Hon. the Chief Minister is mentioning GMES when I was actually mentioning the ex-OESCO. Now to my understanding if I am wrong, please correct me but we are talking about two different entities.  
Is that –

1295 **Hon. Chief Minister:** Yes, Mr Speaker, but OESCO no longer exists. This is the issue. This is what the hon. Gentleman has explained to him before, OESCO no longer exists.  
OESCO was an operator, the operator and owner of those units under the original contract with the Government. OESCO is now out of the picture; the units are owned by the Government and are owned in GMES. GMES also owns and operates ISGS under the agreement for which the transfer of ISGS was negotiated and GMES was created. In respect of the units at the ex-OESCO facility, that operation is being done by a contract between GMES and Bolaños by Bolaños – but we are not buying units of electricity from Bolaños, as we were buying from OESCO. That is the issue.

1300  
**Mr Speaker:** Any other supplementary? Next Question.

1305

**GMES Power Station  
Type, capacity and number of generator engines**

1310 **Clerk:** Question 243, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities say the type of engine, capacity and number of engines at the ex-ISGS, now known as GMES Power Station, and provide on a monthly basis the amount of megawatts produced (particularly at peak periods of consumer demand) since December 2011 by them into the Government Grid?

1315 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1320 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the type, capacity and number of engines operated from the ex-ISGS, known as GMES Power Station, since 2011 is as follows:

2 x K8 M1 Mirrlees Diesel Engines, with an output of 2MW each.

2 x K8 M2 Mirrlees Diesel Engines, with an output of 2MW each

1 x KV 16 M1 Mirrlees Diesel Engine, with an output of 4.6 MW.

1325 Again, I could go through the whole list but I would rather pass it on to the hon. Member and again emphasise the fact that not only the ex-OESCO Power Station now operated and maintained by Bolaños and owned by GMES, the emissions are very, very low down the South end of Gibraltar due to what is seen in these tables as the lowering of the production of electricity.

**Energy generated into the Government Grid:**

MWh	
DEC -11	223
JAN -12	99
FEB -12	105
MAR -12	12
APR -12	18
MAY -12	30
JUN -12	19
JUL -12	316
AUG -12	1,536
SEP -12	1,213
OCT -12	217
NOV -12	313
DEC -12	1,031
JAN -13	300

1330

**Mr Speaker:** Next Question.

1335

**GMES Power Station  
Government's contractual relationship with current operators**

1340

**Mr Speaker:** Question 244, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker can the Minister with responsibility for Utilities say what is the contractual relationship between the Government and the current operator known as GMES Power Station?

1345

**Clerk:** Answer, the Hon. the Minister for Sports, Culture Heritage and Youth.

1350

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, GMES Power Station runs the ex-MOD Inter-Services Generating Station which was transferred, under the previous Administration, on 1st December 2011 to HM Government of Gibraltar. The arrangement to operate and maintain this power station was between HM Government of Gibraltar and MOD, as detailed in the transfer agreement agreed by the previous Administration, of which he was a Member.

1355

**Energy International Inc.  
Contractual relationship with Government**

**Clerk:** Question 245, the Hon. J J Netto.

1360

**Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities explain to this House the contractual relationship between the Government and Energy International Inc. for the supply of electricity into the Government grid?

1365

**Clerk:** Answer, the Hon. the Minister for Sports, Culture Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, this Question will be answered together with Question 434.

1370

**Clerk:** We now move on to the Questions to be posed to the Deputy Chief Minister. This will be answered later during the session.

**Mr Speaker:** May I clarify, Question 434 is not being answered just now, is it? (*Interjection by Hon. D A Feetham*)

1375

**Chief Minister (Hon. F R Picardo):** No, Mr Speaker, the position of the Government is that 434 is a Question to the Chief Minister and it will be dealt with...

**Mr Speaker:** Therefore, the previous Question and 434 will be answered together by the Chief Minister, okay?

1380

**DEPUTY CHIEF MINISTER**

1385

**Development and Planning Commission  
Timeframe for Government projects requiring approval**

**Mr Speaker:** So we are at Question...

1390

**Clerk:** 410.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Deputy Chief Minister say whether the Government has reached a decision on a timeframe for Government projects to require the approval of the Development and Planning Commission in terms more specific than 'sometime during its first term of office'?

1395

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the timeframe for this to happen is linked directly to the new Town Planning Legislation which the Government is presently considering.

1400

**Hon. S M Figueras:** I am grateful for the answer, Mr Speaker.

I note that the reform of Town Planning Legislation is a matter that has been raised in the House on a number of previous occasions and I wonder whether perhaps the deputy Chief Minister is in a position to provide us with some kind of update as to how long he expects that process might take?

1405

**Hon. Dr. J J Garcia:** Mr Speaker, I cannot provide him with an update in terms of how long it is going to take but I can tell him what has happened up to now.

We have considered at a political level two drafts of the Town Planning Legislation. There is a sub-committee made up of the drafter, the Town Planner and myself. There is a meeting of this group again next week and we are very keen to progress the matter but I cannot really tell him when it is going to go through, except that the Government is giving it priority.

1410

**Hon. S M Figueras:** Mr Speaker, I am conscious of what the Deputy Chief Minister has very helpfully said and I am grateful for his contribution.

1415

I am only going to ask, in the hope that there may be some general idea of whether we are talking weeks, months, years, in relation to this process. I am not going to pin him down to a specific timeframe but just a general idea would be very helpful at this juncture.

**Hon. Dr J J Garcia:** I think I can safely say, Mr Speaker, it is not going to be years. It is not going to take as long as that but I would not like to commit myself to weeks or months because I really do not know how long it is going to take. Sometimes you get other things and you have to, sort of, put this to one side. But I know there is a meeting set down for next week where we intend to look at some policy issues in the new legislation and, hopefully, once that meeting is over, we will have a clearer position of how far we have to go.

1420

1425

**Hon. S M Figueras:** Well, in that case, Mr Speaker, will the Deputy Chief Minister be amenable to a request in writing for an update following that meeting in the next couple of weeks?

**Hon. Dr. J J Garcia:** Mr Speaker, I will be happy to update the hon. Member either in writing if he cares to write to me or, indeed, if he raises the question again at the next meeting of Parliament.

1430

**Hon. D A Feetham:** Yes, Mr Speaker, given the plethora of manifesto commitments in the GSLP / Liberal manifesto, in terms of capital projects, and in the light of the answer that he has given today, does he envisage that most of those projects will, in fact... the decision to proceed with those projects will be kick-started prior to this legislation being introduced, or does he envisage that, in fact, some of those commitments may be tested under this legislation?

1435

Because of course, the problem here is that he has already said that it is not going to be this year and, assuming that the Government wants to complete its many Government projects on time, it is going to

1440 have to kick-start them quite soon. So the legislation is not going to be this year but, at the earliest, next year. Is it not the case that the majority of those projects that are Government projects will not be tested in accordance with any new legislation?

1445 **Hon. Dr J J Garcia:** Mr Speaker, the answer I gave the hon. Member was that it was not going to take years, not necessarily that it would not happen this year. It may well happen this year, I cannot say at this stage.

1450 Obviously, I think it will be the case that some projects will be tested under the new legislation and others will not. It just depends on the timing of these projects. This is very much the same issue that faced them in Government, when they were confronted with the new Gibraltar Development Plan that came out in 2009, which included already some projects that they had in mind, which they had envisaged, but which had not actually happened. But in our view, I think I can safely say some projects will be tested under the new legislation and others will not, but it is difficult to say which will and which will not.

1455 **Hon. D A Feetham:** So, Mr Speaker, can he confirm, therefore, this is not a case where, effectively, the Government will attempt to proceed with some of these projects in advance of this new legislation to prevent those projects to be tested properly under its stated policy in the manifesto of full planning permission which, no doubt, will be the subject of the legislation when it is introduced to this House.

1460 **Hon. Dr J J Garcia:** Mr Speaker, the policy at present is that projects are going to Planning as soon as they are ready. That is what is happening at the moment.

**Mr Speaker:** Next Question.

1465 **Old Police Barracks block  
Plans for redevelopment**

**Clerk:** Question 411, the Hon. S M Figueras.

1470 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Deputy Chief Minister say whether Government has any plans for the development of the area of the old Police Barracks block on Castle Road?

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

1475 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, a tender for the redevelopment of Police Barracks into residential accommodation was published in the media at the end of last year.

**Mr Speaker:** Next Question. Yes?

1480 **Hon. D A Feetham:** Yes, can the Government or can the Deputy Chief Minister, Mr Speaker, update the House in relation to where we are with that particular tender and those particular plans, please?

1485 **Hon. Dr J J Garcia:** Yes, Mr Speaker, the tender closed at the end of March and the Government is now considering the different submissions.

**Hon. D A Feetham:** Can he say how many tenders have been received by the Government in respect of this particular development?

1490 **Hon. Dr J J Garcia:** Mr Speaker, It would be helpful, I think, to the Government on this occasion not to give the number of tenderers. I would be happy to do so privately in the ante-Chamber if he wishes to have the information but it is a situation which arose also when they were in office, where they were faced with a particular number they did not want to disclose.

1495



**TOURISM, COMMERCIAL AFFAIRS,  
PUBLIC TRANSPORT AND THE PORT**

**St Michael's Cave  
Contract works**

1500

**Clerk:** Question 202, the Hon. D J Bossino.

1505

**Hon. D J Bossino:** Can the Minister for Tourism advise the House which companies carried out the works at St. Michael's Cave and whether these went to tender?

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

1510

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the following companies carried out the works at St. Michael's Cave – GJBS Limited, with Koda Creative as a sub-contractor; The Gibraltar Electricity Authority; Knightsfield Holdings. These did not go out to tender, as the contractor was GJBS.

1515

**Miami Convention  
Identity and cost of Government delegation**

1520

**Clerk:** Question 203, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism provide details of who attended the Miami Convention as part of the Gibraltar Government delegation this year, together with a cost of such attendance?

1525

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

1530

**Minister for Tourism, Commercial Affairs, Public Transport, and the Port (Hon. N F Costa):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

**SCHEDULE TO QUESTION NO 203/2013**

Miss Edwina O'Mahony of Gibraltar House in London attended the Seatrade Cruise and Shipping Convention in Miami.

The costs were as follows:

Flights	£1679.29
Accommodation	£1014.61
Subsistence	£255.52
Travel expenses	£155.25
Total	£3104.67

Miss O'Mahony represented the Gibraltar Tourist Board on the Medcruise stand and there was no cost for this.

Miss O'Mahony has attended the convention in previous years.

1535

**Hon. D A Feetham:** Mr Speaker, may I return just to ask a supplementary in relation to the previous Question, the one about St. Michael's Cave, if that is at all possible. I appreciate your indulgence.

**Mr Speaker:** Yes.

1540 **Hon. D A Feetham:** Yes, Mr Speaker, is the Minister satisfied with the works that have been undertaken to St. Michael's Cave and in particular the frontage which was, in fact, the subject of a photograph in the *Gibraltar Chronicle* on 4th April 2013.

1545 The reason why I ask is there has been a lot of comment publicly by members of the public about this and certainly we do agree with some of the criticisms – with many of the criticisms – that have been made in relation to that particular frontage, that it really is not appropriate – (**A Member:** Aesthetically.) aesthetically pleasing, yes, thank you very much – and certainly not appropriate for that particular site. I just wonder whether, perhaps, the Minister has reconsidered, or considered, some of those criticisms and perhaps thought about revising or asking for further works to be done in order to improve that particular frontage which, quite frankly, does not appear to be what is required? It really is not something that is commensurate with that particular site.

**Hon. N F Costa:** Mr Speaker, has the hon. Gentleman actually been to visit?

1555 **Hon. D A Feetham:** Yes, Mr Speaker, I actually take my dog up the Mediterranean Steps and then I come down via the road outside St. Michael's Cave, so I have, yes.

**Hon. N F Costa:** Mr Speaker, in that case the hon. Gentleman surely will agree with me that the change to the entrance to St. Michael's Cave is certainly a far cry from the dilapidated and neglected state that it used to be before. I think we can share that across the floor of this House...

1560 It is not for me to obviously counsel the hon. Gentleman on how he asks his questions to me but he needs to be aware that the comments that were made by his supporters on Facebook only served to very much alienate and incense the hard workers of the GTB who spent a lot of time, effort, energy, hard work and dedication on the works that were conducted at St. Michael's Cave.

1565 Whereas he and I may say that perhaps the aesthetic front to the entrance of the cave was not what he or I may have chosen, had the picture been put before me, he has to agree with me that the works inside the cave are magnificent. In the first place, for the first time in our history, there is access to people with disability (*Applause*) so now people with disability can access the cave and enjoy the wonderful concerts and other events that take place in St. Michael's Cave. There is, of course, as well, the widening of the steps in St. Michael's Cave, which has allowed for a much better throughput and thoroughfare of the hundreds of people that come to these events. (*Interjection*)

1570 I am answering his question. He can then of course... I will give way before I finish the answer to the supplementary that he has just asked me.

1575 Also, we have increased the auditorium for 400 seats to 600 seats and the Azamara event was certainly testament to how well received the increase has been. There has also been the lengthening of the steps so that, when people walk in, there is a greater safety distance so all in all, I would say that the works at St. Michael's Cave are 9.5 out of 10 and whereas the aesthetics of the frontage may not have been the one that I personally would have chosen, had I been shown that, I definitely allowed the workers and the people that advise me and do the work for the GTB a full run to be able to exercise their judgements and their professional expertise.

1580 As I say, Mr Speaker, on the basis that we have spent almost, or a little over, £500,000 on much needed embellishments and repairs on St. Michael's Cave, if the only thing that I can be criticised for is the fact that I did not oversee the particular signage that comes just in front of the cave, I am happy to accept that criticism without failing to mention the incredible hard work of the GTB.

1585 Before I finish my answer I will give way, as I promised the hon. Gentleman.

**Mr Speaker:** I will allow another supplementary on this matter because, strictly speaking, we are getting outside the ambit of the Question, but I will allow another supplementary. Yes.

1590 **Hon. D A Feetham:** Not from the Leader of the Opposition...

**Mr Speaker:** We are getting out of... the Question is, which company has carried out the works, whether they went out to tender. That has been answered. You have asked a supplementary, which I have allowed, and I will allow another supplementary and then we move on.

1595 **Hon. D A Feetham:** Mr Speaker, thank you very much.

1600 Mr Speaker, the Hon. the Minister for Tourism really does not need to take the comments that I made personally. It was not a criticism of him. It was not a criticism of him personally. Indeed, I did prefix my question by the fact I did assume, in my question, that he had not in fact seen that particular frontage, or approved that particular frontage, before the work was actually undertaken. My question to the Hon. Minister was, now that he has seen that particular frontage and, given the criticisms, which I believe are entirely justified – and I do not think that the Hon. the Minister's comments about the comments made by

1605 members of the public, that all those comments are partisan, and neither can I accept that the comments made by so-called supporters of my Party are partisan comments... they are comments based on what is a pretty awful frontage, in the context of, *yes*, the excellent work that the Minister's staff and the rest of this particular company has done on the inside. I was not criticising the work on the inside and I have no hesitation in saying that there has been an improvement to the inside, in the same way as every Government in the history of Gibraltar always improves aspects of our tourist product and I have no hesitation in commending that.

1610 But, the question was, does he, in the light of the fact that he has seen this frontage and that, really, he agrees with me that it is not the frontage he would have chosen, that perhaps he might not go back to GJBS, or whoever it is that is in charge of this, in order to change that frontage because, in my view – and certainly it appears to be his view – it is letting down the rest of the excellent work that the Government has done in relation to this particular site?

1615 **Hon. N F Costa:** Mr Speaker, in the first place, simply to say that I welcome the fact that the Hon. the Leader of the Opposition accepts that it is excellent work because it is, in fact, excellent work.

1620 In taking the points that he makes in preface to the supplementary to the question, which I believe is a repetition of the first supplementary, he and I both know that the comments on Facebook were completely partisan. I can remember the names of GSD Executive members who were castigating me personally by name for having allowed that particular atrocity. Yes, if he goes to Gibraltar Politics he will see that there... and it was referred to me and printed for me and, of course, I immediately circulated it to the GTB so that they could see the sort of comments that were being made.

1625 Mr Speaker, if the hon. Gentleman wants me to believe that he was only criticising the frontage but that he thought the works were excellent, he would have prefaced his supplementary by saying 'notwithstanding the excellent work, the frontage is horrible'. But he did not say that, he just said 'the frontage is horrible: are you thinking of doing something about it?' So I cannot accept that as being an *honest* part of his answer and for his comments, which I am afraid I must take issue with, when he said that *all* previous Governments have done work on the Upper Rock, he knows that is a big, big lie.

1630 Let me tell him why it is not true to say –

**Mr Speaker:** On a Point of Order, would he withdraw the word 'lie', please.

**Hon. N F Costa:** I will withdraw the word 'lie', to say that it is not true.

1635 **Hon. D A Feetham:** Mr Speaker, there is –

**Hon. N F Costa:** Yes, I withdraw it and I will tell him why –

1640 **Hon. D A Feetham:** Mr Speaker, may I, just as a Point of Order –

**Mr Speaker:** Will both Members sit down: both Members sit down.  
Now, on a Point of Order, I categorically ask the Minister to withdraw the word 'lie'.

1645 **Hon. N F Costa:** Yes, I have done it.

**Mr Speaker:** Then, when he has done that, he is going to continue to answer the supplementary question. So therefore the Leader of the Opposition does not have the floor. Is that clear? The Leader of the Opposition does not have the floor.

1650 The Hon. Minister is going to withdraw the unparliamentary language and then he is going to get on with answering the supplementary, which is the subject at the moment.

**Hon. D A Feetham:** Mr Speaker, I had a Point of Order. If you do not want to listen –

1655 **Mr Speaker:** Do you have a different Point of Order to the question of a 'lie'?

**Hon. D A Feetham:** It is a slightly different Point of Order.

**Mr Speaker:** Okay, what is your Point of Order?

1660 **Hon. D A Feetham:** I did not mention the Upper Rock. I mentioned the 'tourist product', not the Upper Rock. Now, you know, it may assist the hon. Member to recognise –

1665 **Mr Speaker:** Just a moment. That is not a Point of Order, it is a point of fact. It is nothing to do with Standing Orders, it is a point of fact and there are different opinions about fact.  
It is not a Point of Order, so the Hon. the Minister.

1670 **Hon. N F Costa:** Yes, Mr Speaker, if the hon. Gentleman did say the tourist product the point that I was going to make remains exactly the same, which is as follows. He said that all past Governments have improved the tourist product. I will tell him why this is not the case.

If we go back just five financial years, over five financial years there was an allocation of funds of £925,000. We allocated, in one financial year, £1 million and we spent in one financial year almost that £1 million. So it cannot be true to say, Mr Speaker, that his Government, when they were in post, did in fact do a lot to improve the tourist product, when the figures speak for themselves.

1675 And, in order... (*Interjection*) Well, he did ask the supplementary in preference to the... (*Interjection*)

**Mr Speaker:** Minister, may I draw your attention – in my view, the word ‘true’ is also unparliamentary. It may not be... You can use a word like ‘correct’: it may not be ‘accurate’ to say: right... but not ‘true’ or ‘untrue’.

1680 **Hon. N F Costa:** Accurate. And to answer the supplementary question, the matter has been considered at meetings.

1685 **Mr Speaker:** We are going to move on to the next Question, because being the excellent lawyers that they are, they have just been scoring debating points and we are going to get on with the business.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker I have a supplementary that is relevant to the information that the Hon. Minister has, if I may. Thank you.

1690 Mr Speaker, the Hon. Minister mentioned the increase in auditorium capacity. Has there also been an increase in toilet facilities to cater for this?

**Hon. N F Costa:** I do not know the answer to hand, but I can certainly tell the hon. Lady that the toilets are now fit for purpose and before they were not.

1695 **Mr Speaker:** Next Question.

**Clerk:** Question 204, the Hon. D J Bossino.

1700 **Hon. D J Bossino:** Can the Minister for Tourism provide details of the Government’s cost of its recent attendance at the FIA WTCC in Morocco?

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

1705 **Hon. D J Bossino:** Mr Speaker, I am slightly confused (*Laughter*) and would request your assistance. I was happy not to ask any supplementaries in relation to Question 202 and then we moved on to 203 when I put the Question, but then I do not think I have been given the opportunity to ask supplementaries in relation to that Question and that is where the confusion lies.

1710 **Mr Speaker:** Yes, yes, so the hon. Member now wishes to ask a supplementary to Question?

**Hon. D J Bossino:** 203 –

**Mr Speaker:** 203. Very well, I will allow that.

1715 **Hon. D J Bossino:** – in respect of which the Hon. Minister handed over a schedule to me.

1720 I note, Mr Speaker, that there was only one attendee, a Miss Edwina O’Mahony of Gibraltar House in London. Is there any reason why the Minister himself did not attend? I understand, Mr Speaker, that the practice, when we were in office, was that the Minister would attend these conferences. I am not sure, I think he did attend the last Miami conference last year when he was already in office and the question to the Minister is simply to ask why it is that he decided not to attend. Was it cost-related or particularly, Mr Speaker, because of the emphasis that he has publicly laid on personal contacts and how he claims that this is bearing fruit?

1725 **Hon. N F Costa:** Mr Speaker, I am only surprised that the hon. Gentleman should have asked me the question because he was gracious and generous to come to see me in hospital at the time and he knows that I was unable to fly to Miami. But I will, of course, forgive the question because, as I say, he was very kind to have visited me at the time and I was in fact very touched by the gesture.

1730 As I have said in previous answers, it is not the objective of the Government to attend the event for the very simple reason that business is not conducted during the course of the event and what happens is that Government officials attend the week before, which allows the Government the opportunity to meet face to face with the top executives. Because, on this occasion, I was unable to attend, Mr Nicky Guerrero, the Chief Executive of the GTB and Mr Peter Canessa of Gibraltar House attended on my behalf and visited the very same people that I would have met, had I been able to attend – but that was before the convention, not during.

1735 **Hon. D J Bossino:** Mr Speaker, I did not forget that... I did not forget that he was, in fact, in hospital but I was not conscious of the dates, to be honest. But I suppose the question which arises is a question of Government policy: maybe he can confirm, and I can glean from his answer, that this is the case, that it is Government policy for the Minister to attend these pre-convention meetings in the future.

1740 **Hon. N F Costa:** Yes, Mr Speaker.

1745 **Hon. D J Bossino:** Mr Speaker, obviously the pre-convention meetings will carry a cost. I appreciate perhaps that the question would have to be slightly amended to take account of that cost so that the Minister can provide this answer to the House. I assume that the Minister would have no difficulty in providing that information to the House but is it the case that he has not provided this information because he has specifically answered the question, as specifically posed?

1750 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct.  
The reason for handing him over the schedule that I did, with the cost that I did, was because the Question related on the attendance of the Government to the event. I will have, of course, no difficulty whatsoever in handing over to the hon. Gentleman the costs, if he were to write to me, I will provide it to him immediately.

1755 I would avoid using the phrase ‘pre-convention meetings’. It is not as if there is a convention and there is a format whereby top cruise executives are available to meet. The way it works is that, six months before, we liaise with the top executives and the different cruise companies and therefore make our own personal arrangements in order to be able to meet with them. Everyone always agrees that the best time to go and talk to them is before the convention because, once the convention starts, in fact they go elsewhere because there really is no time to be able to conduct business during the event.

1760

#### **FIA WTCC in Morocco Cost of attendance**

1765

**Clerk:** Question 204, the Hon. D J Bossino.

1770 **Hon. D J Bossino:** Can the Minister for Tourism – oh, yes I have posed that question already, yes – provide details of – it was not particularly well phrased – the Government’s costs of its recent attendance at the FIA WTCC in Morocco?

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

1775 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I now hand over to the hon. Gentleman a schedule with the information requested.

**SCHEDULE TO QUESTION NO 204/2013**

MARRAKECH	£
SUBSISTENCE	1,345.02
HOTEL ACCOMMODATION	2,450.00
TRAVEL EXPENSES	1,970.00
RECEPTION ON STAND	391.00
MISCELLANEOUS	416.35
COURIER COSTS	2,519.28

Further costs detail, in relation to the Chief Minister and his party to this event, are already available on the Government's website.

1780 **Hon. D J Bossino:** Mr Speaker, I take it from the endorsement at the bottom of the table, where it reads 'Further costs detail, in relation to the Chief Minister and his party to this event, are already available on the Government's website', that what I have been provided does not provide the totality of the Government's cost of attendance at this event and what I would need to do is marry this information with the information which is provided on the website. Is that correct?

1785 **Hon. N F Costa:** Mr Speaker, to clarify, the information that I have provided to the hon. Gentleman relates to *my* party, that is to say myself and the persons from the Tourist Board who attended. The information in respect of the Chief Minister and *his* party are on the Government website.

1790 **Hon. D J Bossino:** Of course Mr Speaker, just as a point of clarification, the Question actually related to the Government's costs, not only in relation to the Hon. Minister's Department. But certainly, as a matter of practice, I do appreciate that there is a Standing Order in place that states that if there is information that is publicly available it is not necessarily to be provided in this House. But I think that the Speaker has said in the past that it would be helpful for Ministers to provide this information in a schedule so that one can have the totality of the information, the instant that I seek it from the hon. Member.

1795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think what you have said – and you said it in a manner that the Government has said that it agrees entirely – is that if something is *not* available on the Government website at the time that Questions are being asked then it should be provided here even if subsequently it has been put up on the Government website. But this is information which relates to something that happened some weeks ago and therefore would have been up on the Government website, I assume, for some weeks – and, in fact, it was confirmed to me by the hon. Gentleman that it was – so really it is a question of that being published information which he needs to marry to the information he has been given today.

1800 **Hon. S M Figueras:** Mr Speaker, two supplementaries from me in relation to the data that is available on the Government's website. The first is to ask the Hon. Minister whether it is expected that we will go through the list of each individual Minister's expenses to understand who attended the event and therefore what the global cost of the Government's attendance at an event was.

1805 **Hon. Chief Minister:** In answer to the first supplementary, Mr Speaker, the Hon. Minister said who it was who attended apart from him. It was the Chief Minister who attended, apart from him, and he will see there was a public statement at the time, saying that it was his Ministry and me that attended.

1810 **Hon. S M Figueras:** I see and I am grateful. I merely pointed it out because it strikes me that it would perhaps be more useful, if at all possible or practical, if the information in relation to the cost of an event globally were published on the website. I merely say it by way of suggestion as something that the Government may want to consider, moving forward.

1815 **Hon. S M Figueras:** I see and I am grateful. I merely pointed it out because it strikes me that it would perhaps be more useful, if at all possible or practical, if the information in relation to the cost of an event globally were published on the website. I merely say it by way of suggestion as something that the Government may want to consider, moving forward.

1820 However, having had an opportunity to quickly look at the travelling expenses of the Hon. the Minister for Tourism, as published on the website, there seems to be an inconsistency which perhaps he can address for me in that there is a trip to Marrakesh listed as at 4th to 8th April. Are these the same

dates? Is this the same event? Before I proceed, obviously, can the Minister confirm whether this is in respect of the same trip?

1825

**Hon. N F Costa:** Yes.

**Hon. S M Figueras:** Yes, great. Well, in that case, I am merely highlighting the anomaly that the accommodation in the schedule to the answer that the Hon. Minister has very helpfully provided this afternoon, this hotel accommodation is £2,450 and the published information online says that the accommodation is just £400, so there is a slight inconsistency there and there is also an inconsistency in respect of the subsistence as well. Perhaps he could just provide some further details on this.

1830

**Hon. N F Costa:** Mr Speaker, that is because that is the cost of *my* accommodation, the Minister's accommodation.

1835

The schedule that I handed over to the hon. Gentleman, as in the past always, that I have passed over information to the hon. Gentleman, relates to the Minister and his party but on the website, if you read it actually states, cites the Minister, so it is the cost of my accommodation.

1840

**Mr Speaker:** Does the hon. Member... Is that the two supplementaries you have asked?  
The Hon. Mr Bossino...

**Hon. D J Bossino:** Yes, Mr Speaker, I am grateful.

Mr Speaker, if I can quote I think it is the Chief Minister in the *Gibraltar Chronicle* article of 11th April, which reported on this. He said: 'I believe we have reached a very wide audience indeed and that we will see real interest emerging from Morocco in Gibraltar's potential as a tourist, shopping and commercial destination.'

1845

In these circumstances although I appreciate it has only just gone one month I think since the Government attendance, has there been any such expression of interest, given my own area of responsibility and given that I am quoting that particular quote in the tourism sphere following that attendance?

1850

**Hon. Chief Minister:** Mr Speaker, I am delighted to inform the House that, last week, we received the 1,000th visitor from Morocco availing themselves of the visa waiver programme coming through the land frontier. I think that demonstrates that, in the six to eight weeks that this visa programme – (*Applause*) Thank you – the six to eight weeks that the visa programme has been in place, we have received 1,000 visitors that we would not otherwise have received. In particular, I think that we have not yet started the programme of advertising and promoting Gibraltar to the maximum possible extent, although the attendance at that particular event, which is a very high profile social event in Marrakesh, was one of the things that we have been advised we should be doing and I think is now reaping rewards.

1855

In fact, I am told by the Hon. the Minister for Tourism that, as at midnight last night, we had received 1,144 visitors from the Kingdom of Morocco, availing themselves of the visa waiver programme facilities. I think that, Mr Speaker, demonstrates an extraordinary success on the part of the Minister for Tourism in respect of this particular policy, one which I am delighted hon. Members opposite welcomed at the time that it was introduced by us.

1860

1865

#### **Tourism Fair in China Government attendance**

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**Clerk:** Question 205, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism confirm whether the Gibraltar Government attended a tourism or any fair related to any of his other portfolios in China and, if so, who attended together with the costs of such attendance?

1875

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

1880

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, I am very pleased to confirm that the Chief Executive of the Gibraltar Tourist Board and the Director of Gibraltar House in London very ably represented Gibraltar at the World Travel Market Vision Conference China and the China Outbound Travel and Tourism Market from 8th to 11th

1885 April. I myself was looking forward to attending again. Unfortunately, I was unable to do so but I take the opportunity, once again, to thank the hon. Gentleman for visiting me: I seriously was very touched!

The WTM Vision Conference brought together senior tourism officials and travel professionals from all around China and other parts of the World. The event included a VIP workshop and presentation.

1890 The China Outbound Travel and Tourism Market is the only travel trade B2B event dedicated to outbound travel from China. Many outbound tour operators and corporate travel organisers from China attended, with the Gibraltar stand receiving nearly 300 enquiries at the three-day event. Gibraltar featured in the event's daily newspaper and Nicky Guerrero carried out a short introduction to the destination for Chinese Television.

1895 Gibraltar had its own stand, featuring images of Gibraltar, noting the key attractions. These were written in Chinese, 1,000 brochures were printed for the event, with over 700 distributed. In addition, both delegates had bi-lingual business cards printed. The Visit Gibraltar website continues to be available also in Chinese.

1900 The feedback is that interest in Gibraltar was very strong, as Chinese tourists are seeking new destinations to explore whilst in Europe. Chinese visitors are not looking for beach destinations but require history, heritage and, as a list topper, a quality shopping experience – things, Mr Speaker, that Gibraltar rightly boasts of in abundance.

Much of the outbound tourism market from China remains in the luxury bracket, with most tourists having high levels of disposable income. Gibraltar's product makes it ideal for this market and can be sold as the perfect add-on to a trip to Europe.

1905 The costs for the event are detailed in the schedule that I now hand over to the hon. Gentleman.

**SCHEDULE TO QUESTION NO 205/2013**

**WTM VISION CONFERENCE AND COTTM CHINA - COSTS**

	£
SUBSISTENCE	737.57
HOTEL ACCOMMODATION	2,400.00
FLIGHTS	5,052.00
STAND/SPACE RENTAL	3,145.10
MISCELLANEOUS	862.00

1910 **Hon. D J Bossino:** Mr Speaker, just by way of confirmation, can the Minister confirm... I would ask him to confirm that there were two attendees at this event. Is that correct?

**Hon. N F Costa:** Yes, Mr Speaker.

1915 **Hon. D J Bossino:** Mr Speaker, I appreciate that the Minister did not attend personally, although he would have loved to: I am sure that is the case. But, the reports that he has received from these two gentlemen who did attend, are they positive enough to suggest that he will be attending next year? I assume this is an annual event and what is the Government's intention in relation to this event, whether it intends to attend on a future occasion?

1920 **Hon. N F Costa:** Yes, Mr Speaker, the importance of this event was, of course, to start breaking into the Chinese market. We have just spoken across the floor of this House about breaking into the Moroccan market and how we have been able to bring a certain number of visitors to Gibraltar. It will not be as easy to do that with China, of course, not merely because of the length and distance between Gibraltar and China but the reports have been very encouraging so far.

1925 As I said in the answer to the Question, the criteria for Chinese tourists seem to be quality, heritage, history and what they call the 'bragging effect', to be able to say: 'We have been to Europe, but you have not been to Gibraltar. We have!' Also luxury shopping which, again, plenty of that experience in our Main Street. We have been able to establish good contacts already.

1930 Had I been able to attend, I would have, of course, had the chance to perhaps have made some diplomatic contact then. I was unable to do so, but the tourist contacts that have been established, to my mind are good stepping stones, whereas it is the intention, to answer the question of the hon. Gentleman, to attend next year. The point now, and the objective now, is to work on these contacts to see how we can market Gibraltar effectively in a cost effective way and where in China we should be marketing – of



1935 course, given the size of the country – and how, in other words building a marketing strategy to be able to do so and bring Chinese tourists over.

**Mr Speaker:** Yes, any...

1940 **Hon. D A Feetham:** Yes, Mr Speaker, can the Minister for Tourism also say whether there is any communication between his Department – certainly himself and other Government Ministers – because it strikes me that China is not only an important market in terms of tourism, but it is obviously an important market in terms of inward investment into Gibraltar in other ways. Can he or somebody on the Opposition benches – sorry, on the Government benches – enlighten us as to whether there is going to be a holistic combined approach to China as a global market of investment to Gibraltar, not necessarily tourism?

1945

**Chief Minister (Hon. F R Picardo):** Mr Speaker, there is a holistic combined approach to China as a source of investment and tourism on the Government benches.

1950 **Hon. D A Feetham:** Thank you very much, Mr Speaker.

Can the Chief Minister perhaps provide us with some further information as to what other areas of investment the Government is looking at in relation to China as a market. We already know that it is being targeted from a tourism point of view. What other areas of investment does the Government hope to attract to Gibraltar from China?

1955

**Chief Minister (Hon. F R Picardo):** Mr Speaker, it would be premature at this stage to say more but there have been extensive contacts with a number of Chinese entities.

1960

**Tourist sites  
Details of refurbishment programme**

**Clerk:** Question 206, the Hon. D J Bossino.

1965

**Hon. D J Bossino:** Can the Minister for Tourism advise this House whether the Government intends to continue with its refurbishment programme of tourist sites and if so provide details of what this will comprise?

1970

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, I can most certainly confirm that the Government intends to continue with its excellent refurbishment programme of tourist sites to make up for the many years in which there have not been.

1975

I will be happy to provide further details (*Applause*) – thank you – once the funding allocation for the proposed improvements has been confirmed after the Budget session.

1980

**Regeneration of Sandy Bay  
Report and tenders for work undertaken**

**Clerk:** Question 207, the Hon. D J Bossino.

1985

**Hon. D J Bossino:** Can the Minister for Tourism advise whether the works for the regeneration of Sandy Bay went out to tender?

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

1990

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this Question together with Question 208.

**Clerk:** Question 208, the Hon. J J Netto.

1995 **Hon. J J Netto:** Mr Speaker, can the Government please provide to Parliament a copy of the extensive engineering studies report carried out in relation to the Sandy Bay work, as stated in the Government press release number 291/2013?

2000 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

2005 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the contract for the regeneration works at Sandy Bay has not gone out to tender because of the specialist nature of the works. The project has been awarded to Van Oord (Gibraltar) Limited, who are a major civil engineering contractor with extensive experience in coastal works both locally and internationally.

2010 Following a tender process, the Government engaged a specialist engineering consultant to undertake the necessary engineering studies and provide advice and recommendations on the works required at Sandy Bay up to conceptual design stage. This report has been used by the contractor for the works as the basis for the preparation of the final detailed design. The Government will not provide copies of the highly technical engineering reports as these are for internal use.

2015 **Hon. J J Netto:** Mr Speaker, I do take note of the fact that the Government will not be providing the copy but the reason why I asked my question is that, whilst accepting, on the one hand, that these are, to quote the Government press release, 'extensive engineering studies', it seems to me that those extensive engineering studies will be in line with the environmental issues or environmental information that goes hand in hand in the kind of assessment that the consultant has provided for and my view is that, whilst it contains environmental information, such environmental information should be made public, not just to Members of the Opposition but, indeed, to any member of the public. At the end of the day people – if we follow the European philosophy of providing environmental information – are entitled to find the particular information containing Government contracts or at least where consultants provided these studies for Government. So, in the context of that, I wonder whether the Hon. the Minister will rethink his position and provide a copy to the Opposition?

2025 **Hon. N F Costa:** Mr Speaker, in short the answer is that, no, I will not rethink my position, for a very simple reason. The environmental concerns, of course, will be undertaken at the EIA and that is a public document so any environmental concerns he may have would be published in due course so he can take a look at that and then ask any questions he deems appropriate. The engineering studies relating to coastal defences, of course, look at entirely different things.

2030 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may just make a suggestion to the hon. Gentleman. Can I suggest that he asks Question 209, which deals with a very similar subject, and the information he gets there may assist him in the formulation of further supplementaries on both subjects. I do not know if that is of assistance.

2035

#### **Works at Sandy Bay Submerged groyne structures**

2040

**Mr Speaker:** Question 209.

**Clerk:** Question 209, the Hon. J J Netto.

2045

**Hon. J J Netto:** Mr Speaker, can the Government say whether the recently announced works to be undertaken at Sandy Bay will include the provision of submerged groyne structures in order to reduce erosion of sand from the beach?

2050 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

2055 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the works at Sandy Bay *will* involve the construction of two curved groynes going out to sea and will be located at each end of the beach. The groynes will be marine structures with a crest height being slightly above mean sea level.

2060 **Hon. J J Netto:** I think, Mr Speaker, that I have seen some sort of visual of these particular groynes actually going out and they are, as I saw them, two sorts of piers which go sort of vertical in this 90 degrees on the edge of the waterfront going out to sea. But my question is a slightly different one to what I was trying to find out from the Minister whether, in addition to those particular two piers going out vertically from the front line of the beach whether there is another submerged groyne lying horizontally towards the edge of the actual beach itself. In other words, what I am trying to find out and perhaps using the opportunity the Chief Minister offered me previously, is whether there is some study being conducted, whether it is being done by the engineers themselves before, or whether it is being done separately, whether there is, sort of, any study being conducted so that, whether they have considered, in addition to those two external piers, a further one lying horizontally submerged in order to avoid the erosion of sand from the beach.

2070 **Hon. N F Costa:** Mr Speaker, the question that the hon. Gentleman... is now clear to me. If I read off the advice, the information provided to me by the Technical Services Department, it says that there is the option to construct a submerged break water connecting both ends of the curved groynes to provide greater protection if it is deemed necessary in the future. But their advice to us now is that the curved groynes that are jetting out onto sea will provide sufficient protection.

2075 **Hon. J J Netto:** Mr Speaker, can the Hon. Minister provide that advice to the Opposition?

**Hon. N F Costa:** I just have.

2080 **Hon. J J Netto:** No, no. The advice given to the Government. The full advice?

**Hon. N F Costa:** Mr Speaker, I have already said in the answer to the first question that he asked me on this subject that it is not appropriate to provide copies of studies. We are just following on the policy that they adopted during the time of the unfortunate rock fall where they said when they sat on this side of the House that to provide copies was not appropriate.

2085 **Hon. J J Netto:** Mr Speaker, I am not asking questions about rock falls. I am talking about questions in relation to the Government project which they have announced. My point of view...

2090 *[Interruption by a mobile phone ringing]*

**A Member of the public:** Sorry.

**Hon. J J Netto:** Shall I sit down and wait for...

2095 **Mr Speaker:** It was a member of the public. I think the mobile phone has been switched off. They have expressed their regrets. Thank you.

2100 **Hon. J J Netto:** Mr Speaker, as I was saying, I am not asking questions about rock falls. I am asking questions about a particular Government project and the point I am trying to labour on is that these are projects which in one way or another impacts on the environment and we are talking about environmental information and I am saying in the context of that, I think that the Opposition and the public in general, are entitled to find out what advice, in terms of studies that have been given to the Government, so that we can make the same assessment or different assessment to the advice that the Government is giving. So my question to him is whether he is willing to provide that advice or not?

2105 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may assist here. The question of what kind of coastal protection is provided in Sandy Bay, I think is certainly being tackled now in a way that was not tackled before. We will recall that about two years ago a considerable amount of sand was placed in Sandy Bay which was washed away the next winter as I had predicted at the time. What is being done now is two groynes, I almost said grains, that is the sand. Mr Speaker, there are two groynes which do not quite go at right angles to the shore. They are actually, in what you describe as a pincer movement and do provide a certain amount of protection from the sea when it comes slightly from the south and slightly from the north. I think what my hon. Friend is saying is that the advice being given is that it may not be necessary to have a submerged groyne but it may become necessary depending on the effect after the first winter or during the first winter and that the option has remained open. So it is not the intention at the moment to do it but depending on the results of the proposals as they are planned at the moment, the decision will be taken as to whether a submerged groyne will be necessary in order to protect the sand further.

2120 **Hon. J J Netto:** Mr Speaker, my question is not what happened two years ago...

**Mr Speaker:** Could I please ask the Hon. Mr Netto. Given that the microphones are directional. I have just noticed that when the Hon. Mr Cortes moved the microphone, the loudness of his voice was considerably enhanced. So would he try to do the same thing. Direct it towards him more closely to see whether it will in fact improve the sound level.

2125 **Hon. J J Netto:** Okay. Thanks very much Mr Speaker. Is that better? Yes. Well Mr Speaker, as I was saying my question is not about what may or may not have happened two years ago. My question is what is happening now. I am talking about an issue where environmental consideration has been taken into account in relation to the project that is going to be undertaken and it may or may not in the future, the Government having to revisit this again to provide a further submerged groyne for avoiding an erosion of sand from the beach. That may not happen. But that has got nothing to do with my question. My question for the fourth, perhaps the fifth time now is, given that we are talking about environmental considerations which are part and parcel of the studies that have been given to the Government, will the Opposition be also entitled to have that environmental information? Yes or no?

2130 **Hon. Dr J E Cortes:** Mr Speaker, it is not a question of what may or may not have happened in 2009. It is a question of what did happen then and the sand did go as I predicted, explicitly, in various letters which were not replied to but that is history, Mr Speaker. The question as to whether the environmental information will be provided, I think we are talking about several things. We are talking about a very technical, structural, geological report which my hon. Friend has decided is not appropriate to make public and that is his decision and not mine and the environmental statement which I will be very happy to share with the Opposition. Mr Speaker, it will, in fact, be a public document. So the environmental information can be provided.

2145 **Mr Speaker:** Another supplementary.

**Hon D A Feetham:** Yes. Mr Speaker, the Hon. the Minister for Tourism I think in answer to one of his previous supplementaries or the supplementaries from my colleague Mr Netto, I think said that an EIA had to be conducted. Did I hear that correctly? Does it have to be conducted or has it already been conducted and has been taken into account in the production of a report because it strikes me that if the Government takes a decision to proceed with a particular project, unless...

[*Technical Interruption*]

2155 **Mr Speaker:** We need to stop a moment because there is a technical problem. The most convenient thing I think is to have a short recess. Okay. The House will now recess for a few minutes.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, it is my intention to adjourn the House at 17.55 hrs in any event. We are in the middle of a supplementary. I do not know whether that might make Mr Speaker wish to recess and I can stay until we finish this question even if it is after 6 o'clock, but then I have to leave ...

**Mr Speaker:** So it is your intention to adjourn in a few minutes.

2165 **Hon. Chief Minister:** Exactly. Yes, but I am quite happy to come back if you want to finish with the supplementary ...

**Hon D A Feetham:** I do not mind asking... Well, the problem is Hansard. He understands the question, I do not mind continuing. The problem is of course Hansard. But, I do not mind continuing.

2170 **Mr Speaker:** Since we are very near to this stage when an adjournment was going to be made I now propose that we adjourn to tomorrow at 3.00 p.m. The House will now adjourn to tomorrow at 3.00 p.m.



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.07 p.m.

Gibraltar, Thursday, 16th May 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

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

## Questions for Oral Answer

**Clerk:** Sitting of Parliament, Thursday, 16th May 2013. Answers to Questions continue.

5

### TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

10

#### Sandy Bay – Question 209/2013 Further supplementary questions

**Clerk:** Mr Speaker.

15

**Mr Speaker:** We are at supplementaries arising from Question 209. I think yesterday evening the Leader of the Opposition was going to raise a supplementary.

**Clerk:** Sitting of Parliament, Thursday, 16th May 2013. Answers to Questions continue.

20 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I think we left it in my having to answer a supplementary from the Leader of the Opposition of the question of an environmental assessment at Sandy Bay, if I remember correctly. (**Mr Speaker:** Yes.)

25 If I may Mr Speaker, yes, I can confirm that indeed an environmental assessment has been carried out and the recommendations have been taken into account and are being carried out and I have asked my office to prepare a copy which I will very gladly have delivered to the Opposition to the Hon. Mr Netto.

**Hon. J J Netto:** Mr Speaker, could I just for the sake of clarification – and I am grateful to the Minister for what he has just said – could I also have it in electronic form, if this is at all possible?

30 **Hon. Dr J E Cortes:** Certainly, Mr Speaker, I will make arrangements for that to happen.

## CHIEF MINISTER

35

### Charities List allegedly discouraged by GSD

40 **Clerk:** We now move to the Questions which are being posed to the Hon. the Chief Minister. Question 412/2013, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Chief Minister say when he will be writing to me with the overdue list of charities the GSD allegedly discouraged the contributions and work of?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the letter has been sent to the hon. Lady today.

50

### Charities Government policy on annual grants

**Clerk:** Question 413, the Hon. Mrs I M Ellul-Hammond.

55 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can Government explain the policy of giving annual grants to individual charities and if so, from which Government Department's budget and which criteria are used to determine which charity is to receive a grant?

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

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Government does not have an established policy or set of criteria when awarding grants. As has been the established practice with the previous Administration and probably even earlier, grants are awarded at the Chief Minister's discretion to cases identified as deserving of financial assistance. Grants are paid from the central vote for 'grants'.

### Aviation measures Spain's withdrawal from Cordoba Agreement

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**Clerk:** Question 414, the Hon. P R Caruana.

75 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister provide to the House an update on the position that has arisen as a result of Spain resiling from its commitments under the Cordoba Agreement in relation to not seeking Gibraltar's exclusion from new EU measures, and specifically the recent aviation measure in which the Gibraltar suspension language was included?

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

80 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the whole House will agree with me that the unilateral withdrawal by the Kingdom of Spain from its obligations under the Cordoba Agreement is an entirely unacceptable manner of conducting international relations between governments.

85 For information, let me remind the House that on 1st December 2011, the European Commission adopted a proposal for the recast and replacement of Regulation 95/93 of 18th January 1993 on common rules for the allocation of slots at Community airports. That original 1993 Slots Regulation contains the pre-Cordoba suspension language.

90 Recital 29 and Article 1(2) of the Commission's 2011 Proposal contained the new post-Cordoba language. The proposal was discussed at Council Working Group level in October 2012. It was at that meeting that Spain sought to replace the post-Cordoba language with the pre-Cordoba suspension clause. After a heated debate the result was that neither the post or pre-Cordoba language would be contained in the replacement measure.

It is of course Her Majesty's Government of Gibraltar's position that any new aviation measure that is silent on its application to Gibraltar Airport is applicable to Gibraltar.

95 In similar vein, on Wednesday, 13th March 2013, the European Commission adopted a proposal for an EU Regulation amending the 2004 EU Regulation on denied boarding compensation and other passenger rights. The 2004 Regulation still contains the suspension clause. The proposal for the amendment does not seek to remove the suspension clause. Her Majesty's Government of Gibraltar considers this to be contrary to what was agreed at Cordoba. This is also the position of Her Majesty's Government of the United Kingdom.

100 **Hon. P R Caruana:** Well, Mr Speaker, I recognise from what the hon. Member says, not just a recital of the facts which are correct, but also a political position and a political judgement with which I, speaking for myself, from the lonely back benches, would fully subscribe to.

105 Mr Speaker, whatever might be the difference in language – in other words, Counsel decided not to include either the previous language or either the pre- or post-Cordoba language, but new language – I think it is true to say that nevertheless the effect of that language is suspension, and that Spain should be doing that is certainly unacceptable and perhaps capable of being categorised because it is Spain, but what of the EU Commission, Mr Speaker? Does the Government feel it will be able – through the UK obviously, I am not suggesting that this is something that the Gibraltar Government could do – to hold the Commission to the fact that it was notified of these agreements, Spain committed itself in a letter to the Commission not to seek exclusion language, the Commission accepted that, acted accordingly on a number of cases of which presumably the Government is aware, and in those circumstances has the Government been able to obtain any advice as to whether there may be any basis to pursue the Commission in law, not for Spain's behaviour, but for its own behaviour in terms of 'flip-flopping' between acceptance and not acceptance of things communicated to it?

115 **Hon. Chief Minister:** I am delighted to say that I share the Hon. previous Leader of the Opposition's attitude to 'flip-flopping' as being entirely unacceptable.

120 But if I can just go back to how he started his intervention, in case he misunderstood something I said, which I think it is important for him and the House to have clear: I did not say that there was new language included in that particular measure which does not contain the suspension clause, or the Cordoba clause; there was *no* language included – so neither the suspension clause nor the clause that Cordoba proposed should be included. Just that he said 'new language'; there is no language.

125 **Hon. P R Caruana:** So there is no suspension – I beg your pardon, Mr Speaker.

130 **Hon. Chief Minister:** There is no language, and therefore what I told the House was the attitude of Her Majesty's Government of Gibraltar and of the United Kingdom is that therefore that measure, absent language, applies to Gibraltar.

135 Now, he is absolutely right that there are a number of levels to this matter. There are the political levels and there are the legal levels and those apply also in relation to a number of different parties, the Kingdom of Spain and the Commission, and all of those matters are the subject of on-going discussion and negotiation – discussion and agreement with the United Kingdom and discussion and negotiation with the Commission.

140 With Spain, as the hon. Gentleman would expect, there is nothing but a position put in public, from which they are apparently refusing to budge, despite what that may say for what value one can put on the agreements entered into by the Kingdom of Spain.

This is not an attempt to re-negotiate a part of what was agreed at Cordoba; this is a unilateral withdrawal by one party, giving no notice to any of the others, other than a public statement to that effect and actions in the Commission... sorry not in the Commission; actions in the European Union discussion groups leading up to the presentation of a final directive.

The hon. Gentleman is right that it can create legal issues, not just against Spain, but also against other relevant parties that may assist in the conspiracy, if I can put it that way, to exclude Gibraltar once again from measures that clearly apply to Gibraltar.

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**Hon. P R Caruana:** If I may, Mr Speaker, is it implicit in what Spain has done and what he has seen more technically – I mean, I have only seen what has appeared in the press – but is it his assessment of what he has seen that Spain has done, that of course in resiling from the non-use of the suspension language from EU Directives affecting aviation, they have also resiled from the other elements of the Cordoba Airport Agreement, for example to link the terminal directly to the Spanish side through a so-called northern entrance.

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*A Member started coughing.*

155

**Hon. Chief Minister:** I am conscious of how sensitive the ambient microphone is.

Mr Speaker, in answering the hon. Gentleman's question, let me give the House another piece of information, which may be useful for us all to be aware of. In a *Boletín Oficial del Estado* issued last week in Spain, which is the Spanish equivalent, as Members will know, of the *Gazette*, the Kingdom of Spain circulated as the measure giving effect to a measure on EU-US Open Skies which had been agreed during 2011, a document which shows that agreement and the effect of it, including the Cordoba language.

160

Now, I believe, Mr Speaker, that that is because at the time that that agreement was negotiated and agreed between states, including the United States and the 27 Member States of the European Union, the Cordoba language was in it. So it is therefore impossible actually for the Kingdom of Spain to resile from that. So at the same time that Spain is putting one legal position in discussions with the Commission and other Member States in the EU on current measures, she is publishing in her *Boletín Oficial del Estado* an agreement with the United States containing the Cordoba language. I think it is important that the House should be aware of that.

165

Now, the hon. Gentlemen will know from his time at No. 6, after Cordoba and after the Gibraltar Airport works were substantially completed and those adjoining the frontier were substantially completed, at least in terms of the infrastructure of the building, that both with a Socialist government in Spain and the months that he was in office, whilst there was a *Partido Popular* in office in Spain, the issue as to the building of that additional entrance into the building related more to who owned the land and how that transfer of land was going to happen to the relevant Spanish airport authority, which I think is AENA, rather than any desire to build or not build and of course the amounts available to build infrastructure projects of that sort available to the Spanish state, given the present circumstances.

170

No notice has been given to the Government of Gibraltar, and I believe no notice has been given to the government of the United Kingdom at least none that has been communicated to us and we would expect it would be communicated immediately, that Spain is resiling from that aspect of the Cordoba Accords. It may simply be because the issue as to the land has not been resolved and there may be no intention of resolving it.

175

The hon. Gentleman knows and I will not shy away from it, the policy of the Parties now in Government has consistently been that should that part of the agreement go ahead, our position is and I think this is where the important difference lies between the position of the Government of Gibraltar today and the position of the Government of Spain today, that we would seek to re-negotiate parts of that because although he was satisfied with what he negotiated, he knows our public position in respect of that. But we have received no notification that Spain is not going to proceed with that aspect of its obligations under the Cordoba Accords.

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He also knows, of course, Mr Speaker, that although Spain resiles unilaterally from its obligation in relation to the suspension clause relating to Gibraltar Airport, that Spain expects other parties to the Cordoba Accords to maintain their obligations and perform their obligations under those agreements. I think the most salient of those is the continued payment of Spanish pensions, which is an obligation of the United Kingdom as a signatory to those Accords and the United Kingdom keeps to its agreements. I think that is exactly how international state parties should approach international obligations.

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**Hon. P R Caruana:** But, Mr Speaker, would the hon. Member agree with me – and I am conscious that I do not want to encourage him to say anything publicly that he should not – but that the mutual obligations to release Gibraltar Airport from the then existing EU user restrictions, the applicability of EU Directives, the suspension of EU Directives to our terminal, to our Airport, was the *quid pro quo* for allowing them to connect directly to our Airport and that they could not have one without the other. In other words, they could not be, feel, entirely, and another thing is the Gibraltar Government may unilaterally decide that it is willing to allow it, but that is a matter of choice for the Gibraltar Government. Spain could not insist on being allowed to communicate directly with our terminal to the north, whilst at

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205 the same time not adhering to the *quid pro quo* which it gave in return for that, which was the release of Gibraltar Airport from EU suspension.

**Hon. Chief Minister:** Mr Speaker, I think that the hon. Gentleman, in making that intervention, highlights this issue, which I think is also important: we talk in shorthand about the Cordoba Accords, but of course the hon. Gentleman came back with a number of different agreements which were, if you might call it, in different silos. I spoke about pensions but of course that is in a different silo, so to speak, from the Airport. This particular part of the Agreement does include these issues of different access to the terminal, the suspension clause etc.

210 But may I just take the hon. Gentleman a step further and say this to the House: the suspension clause that had made its way into European legislation speaks not just of Spain's attitude in the late 1980s to Gibraltar Airport; it speaks to a much less virtuous period in British diplomacy's attitude to Gibraltar. The suspension clause, the hon. Gentleman will recall, was actually a measure agreed between the United Kingdom and Spain, in order to allow Directives to proceed without the argument on Gibraltar holding them back and therefore Open Skies proceeded and we were excluded from it, etc.

220 I think we are now in a much more virtuous place for British diplomacy. I think it is clear that the United Kingdom will not allow Spain to believe for one moment that there will be an agreement between them to insert a suspension clause, so that therefore measures that might not otherwise go forward will go forward. I am sure that he will agree with me that it is exactly right that that should be the position of the United Kingdom and it could not be otherwise.

225 **Hon. P R Caruana:** Yes indeed, Mr Speaker, subject only to another important change that has happened since and that is the advent of qualified majority voting, which does not mean that the UK veto can prevent that very eventuality from resulting.

230 **Hon. Chief Minister:** Or *vice versa*.

**Hon. P R Caruana:** Yes, but qualified majority voting means that the UK would have to gather enough support to defeat the measure because of Spain's insistence on the Gibraltar action.

235 Well, I am grateful, Mr Speaker, to the Chief Minister for bringing the House up to date on that and simply to repeat to him at a personal level that if he feels that the Government will benefit from any nuanced insight that may not appear from the papers that might help the Government that he thinks I can contribute, I am very happy to do so.

240 **Hon. Chief Minister:** Mr Speaker, I am very grateful for that offer from the hon. Gentleman. He knows I have taken him up on that offer in relation to a number of different matters and if it were to become necessary, of course I would call him to assist us in relation to any issues where we need to interpret anything that happened in his time and that is not clear from the documentation available.

245 But can I just address this issue of qualifying majority voting, Mr Speaker. In fact, QMV may be something that bites in the other direction as well. Of course, it depends how these measures originate from the Commission and what he must have been told and I am told and is obvious politically from simply following European politics is that it is sometimes harder to change a measure than it is just to keep a measure as it is. If the measures originate in the Commission without suspension language or with the Cordoba language, which is where I agree the Commission is obliged to set any measure relating to aviation with the post Cordoba language, then the exercise is to remove, and that is harder. To simply keep as it is, it is easier to garner votes and proceed in that context.

250 Mr Speaker, I do not think there is anything more I can usefully add, other than to thank the hon. Gentleman for his offer of assistance.

255 **Duty payable on bicycle parts and accessories**  
**Government policy**

**Clerk:** Question 415, the Hon. S M Figueras.

260 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Chief Minister state the Government's policy in relation to duty payable on bicycle frames, components and accessories generally and, specifically, in respect of promoting local businesses engaged in the sale of these goods?

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

270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, with your indulgence before I answer this question, I meant to say something before I started answering all of these questions, which I would be grateful to be allowed to say now. It is simply this: this is the first time that I answer questions in this House having had all of these answers prepared without the assistance of Marisa Dobinson, who was in charge of preparing parliamentary answers not just for myself, but for all others. It is a testament to how well she planned her succession that I have been able to do this month just with Julie Bruzon, the Chief Secretary and the whole of the rest of the team that prepare parliamentary answers for me and for the rest of my colleagues. I would like to thank her for the work that she did for the period that I have been Chief Minister and I am sure that the Hon. the previous Chief Minister would share my views.

275 Mr Speaker, import duty on bicycles is 0%. Import duty on bicycle parts and accessories is 12% . The Government is considering representations made in respect of these goods.

280 **Hon. S M Figueras:** I am grateful for the contribution, Mr Speaker. I have raised the issue in the context of representations that I myself have received from business owners dealing in these goods who allude to the fact that there is a difficulty or they are experiencing some difficulty in terms of competing with the on-line businesses that so many locals avail themselves of their services.

I am grateful for the contribution and I would end by asking the Hon. the Chief Minister whether this is something that he expects will be considered in time for the Budget session?

285 **Hon. Chief Minister:** Mr Speaker, that would be telling! I have to fall back on the Chief Minister's privilege of telling the House what the Budget measures will be on the day of the Budget; but I hear what he says.

290  
**Hybrid/alternative energy vehicles  
Registration in Gibraltar**

295 **Clerk:** Question 416, the Hon. S M Figueras.

300 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Chief Minister say how many hybrid/alternative energy vehicles have been registered in Gibraltar since the introduction of the Government's various fiscal measures designed to incentivise the purchase of said vehicles, detailing whether said vehicles have been purchased for private, commercial or Government use?

**Clerk:** Answer, the hon. the Chief Minister.

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 417.

310  
**Hybrid/alternative energy vehicles  
Government incentivisation policy**

**Clerk:** Question 417.

315 **Hon. S M Figueras:** Can the Hon. the Chief Minister state the Government's policy in relation to the continued or enhanced incentivisation for the purchase and use of hybrid and other alternative energy vehicles in Gibraltar.

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

320 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there has been one hybrid vehicle and three electric vehicles registered in Gibraltar since the introduction of the Government's fiscal measures.

The hybrid is a private motor vehicle. There are two electric mopeds and one electric private motor vehicle.

325 In order to promote the acquisition of hybrid vehicles, Government has reduced the import duty on these vehicles when imported via licensed motor vehicle dealers in Gibraltar. The duty will decrease from 8.25% to 6.25%, depending on cubic capacity, to a flat 2% across the board. He will recall that from the last Budget session.

330 Moreover, upon registration of a hybrid vehicle, the purchaser will receive £500 cash back. Therefore the purchase of a hybrid vehicle will result in a tax-cut and cash-back incentive to the consumer, as provided for in the GSLP/Liberal manifesto. Furthermore, Government is also looking at such vehicles for its own fleet to lead by example and hopes that this measure will encourage consumers to consider hybrid vehicles, not just because of the saving on fuels and the lowering of emissions but also because of the savings on import duty and the cash back on registration.

335 **Hon. S M Figueras:** Mr Speaker, perhaps the Chief Minister could just clarify for me because I did not quite get what he was referring to in relation to the reduction from 8.25% to 6.25%. That was in relation to which vehicles, sorry? I had always understood that the duty was 2% for hybrid vehicles across the board.

340 **Hon. Chief Minister:** Well it is now, Mr Speaker, but the position from which we changed – in other words, the position before the Budget – was that depending on the cubic capacity, the duty was either between 8.25% to 6.25%; and the change implemented in our first Budget was to reduce it to 2%.

345 **Hon. S M Figueras:** I am grateful, Mr Speaker.  
Is it safe to say that given that the Hon. Chief Minister has kindly noted that it is the delivery of a manifesto commitment to come up with these incentives, which certainly this side of the House welcomes, that it is something that will continue for the foreseeable future, something that will, if reviewed, only be enhanced for further incentivisation?

350 **Hon. Chief Minister:** Mr Speaker, it would certainly be the case, until I assume we get to zero and there is little more we can do once we get to zero in terms of import duty. With zero import duty, I do not know how much cash back people would need in order to be incentivised to purchase the vehicles. There has to come a tipping point, where encouragement is given and cannot go further. But certainly the position has been to incentivise in a way that is quite dramatic compared to what it was before.

355 I sincerely believe that this is the technology of the future and I think it is actually coming by way of technology and less by way of an incentivisation of people, but there may be more things that we are able to do, in order to incentivise the use of such vehicles.

360 One thing that is certainly in my mind, and I do not want to be questioned about this in the future, if it has not happened in the next 35 days – so the hon. Gentleman, please note that I am not setting *any* time limit on when this could happen or how it could happen – but he will understand, like I do, that if you have got an electric vehicle, you need to charge it, so we need to start looking at how we provide for charging stations in public parking in Gibraltar, and one of the things to provide may be that the electricity may be provided at no charge for a particular period – something which may be electronically possible, given that when you plug in you need three hours to charge and you will get three hours of electricity and then the whole thing might switch off after that.

365 Those are the sorts of things that we can do, beyond simply touching the duty and touching the cash-back element.

370 **Hon. S M Figueras:** I am grateful for that contribution.  
Perhaps the Hon. the Chief Minister will be assisted by my contribution in this context, because I was certainly coming to ask about incentivisation beyond pure fiscal measures, so I am grateful to the Hon. the Chief Minister for his indication in that regard.

375 Is the Government considering, or would it consider, the possibility of – in consultation with, say, the Electricity Authority and other relevant agencies – the requirement moving forward in respect of new builds for electricity infrastructure to be installed at parking level, because certainly in the use of electric vehicles, that, I believe, is more of a concern than having a charging station wherever you are going to charge your car, if you have been unable to charge it overnight in order to be able to use it in the morning. I wonder whether the Government can confirm if this is something that is on the radar or something that they will consider moving forward as a possibility.

380 **Hon. Chief Minister:** It is very much on the radar. It is a pity that recently completed developments do not already have that, but new developments will very likely incorporate measures to deal with these issues. Some existing developments will likely be retro-fitted and new public parkings are likely to provide for this.

385 But how it is going to be provided, in particular in public parkings, is an issue where you may have areas which are open to the elements. The other side of the coin, of course, is that in public parkings, it may be possible to set up what you might notionally call ‘solar charging stations’ and we are looking at that in detail, so that instead of displacing emissions by plugging a vehicle into the grid and the emissions would be much less than what the internal combustion engine produces – but there may be an element of

390 an emission, if you are relying on a power station, until of course that power station does not produce emissions, at least dangerous ones – then it may be that solar charging stations are a solution, especially in places with weather as privileged as the ones we enjoy here.

395 **Sunborn Floating Hotel Project  
Establishment**

**Clerk:** Question 418, the Hon. S M Figueras.

400 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Deputy Chief Minister say whether the establishment of a floating hotel in Ocean Village Marina is a done deal?

**Clerk:** Answer, the hon. the Chief Minister.

405 **Chief Minister (Hon. F R Picardo):** Without being demoted immediately, I am delighted to take this question with the others that relate to Sunborn. Mr Speaker, I will answer this question together with Questions 419 to 423.

410 **Sunborn Floating Hotel Project  
Wildlife habitats; contracts; infrastructure;**

415 **Clerk:** Question 419, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please state if, in the vicinity of where the floating hotel is to be sited, there are Ribbed Mediterranean Limpet and Spider Crabs' habitats?

420 **Clerk:** Question 420, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Government state if there is any contractual relationship between the owners of the floating hotel and the Government and, if so, what is it based on?

425 **Clerk:** Question 421, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Government state whether the infrastructure to accommodate the floating hotel is going to be paid by the Government, the owners of the floating hotel or the owners of the Ocean Village and what is the cost to any of these entities?

430 **Clerk:** Question 422, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Government state if there is any agreement/contract in place between the Government, the owners of the floating hotel and the owners of the Ocean Village and if so, could the Government provide a date on which such an agreement or contract has been signed and give details of such?

**Clerk:** Question 423, the Hon. D A Feetham.

440 **Hon. D A Feetham:** Can the Chief Minister please provide details of (a) the costs already incurred by the Government and (b) the overall estimated cost to the Government of the Sunborn Floating Hotel project?

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

445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in order to encourage the relocation and establishment in Gibraltar of the five-star Grand Luxury Floating Hotel – the Sunborn, Gibraltar, I can confirm that the Government has committed itself to assist in any way that it can to make this project a reality.

450 This includes working with the owners of Ocean Village to ensure that the infrastructure in the area of the proposed berthing of the vessel is in place, such as any dredging work and sheet piling which is required to enable the vessel to be manoeuvred into position.

The Government is also working to provide the necessary infrastructure works to ensure adequate and sufficient provision to the five-star Grand Luxury Hotel of the required utility services. The municipal areas surrounding the hotel will also be beautified by the Government with greenery that is in keeping with what would be reasonably expected of a five-star Grand Luxury Hotel resort in Gibraltar.

455 I am aware that there are some concerns expressed by residents of the area and the ESG about some aspects of the infrastructure works to be carried out, as well as what the berthing of the vessel at Ocean Village may entail. I will be meeting the ESG on Monday to address their concerns and discuss with them how best to incorporate these into the plans.

460 Although some of these infrastructure works are to be paid for by the Government, as would be the case in respect of any development, the final cost of which has not yet been established, there is no direct contractual relationship between the Government and either the owners of Ocean Village or the owners of the floating hotel to provide these works.

465 Separately, I think it is fair to congratulate Ocean Village for having secured the agreement of Sunborn to berth what appears to be a magnificent vessel at their facility.

The cost incurred by the Government to date in connection with this project is £137,440. There is continuing discussion between the various parties on specific project items and it would not be appropriate to disclose estimated project costs to the Government until those discussions have been concluded and costs agreed.

470 Turning now, Mr Speaker, to Question 419, there are no Ribbed Mediterranean Limpets in the immediate vicinity of where the floating hotel is to be sited, although they do exist in some areas of rock revetments on the approaches to that location. For that reason, silt curtains will be deployed in areas to be dredged close to locations where Ribbed Mediterranean Limpets exist, to contain any suspended sediment and avoid any impact on said populations.

475 There are, however, a small number of Spider Crabs in this general area, but as part of this project, the Department of the Environment, in conjunction with appointed contractors, is currently surveying the area with divers and relocating any Spider Crabs that may be found.

480 Spider Crabs are also found in both western and eastern shorelines of Gibraltar, favouring the more sheltered areas. It should be noted that the population of Spider Crabs in Gibraltar has been maintained in a healthy state, as a direct result of the protection measures laid out in the Nature Protection Act 1991. Had this species not been protected, the current situation would have undoubtedly been very different, considering that this species is harvested commercially.

485 **Hon. D A Feetham:** Yes, Mr Speaker, therefore could the Chief Minister provide a simple answer – and I note the lengthy answer that he has provided, but a simple answer – to the question that my hon. Friend, Mr Figueras, has asked which is, ‘Is the floating hotel in Ocean Village Marina a done deal?’ because from what he appears to have said, indeed it is a done deal?

490 **Hon. Chief Minister:** Well, Mr Speaker, he should ask the people who appear to have done the deal: Ocean Village and Sunborn.

495 **Hon. D A Feetham:** Mr Speaker, can I take it therefore from the answer that he provided a few moments ago, his lengthy answer, the Government is wholly committed to this particular deal taking place here in Gibraltar and will do everything necessary in order to make it happen?

**Hon. Chief Minister:** Mr Speaker, I fear he did not hear what I said. I will read the first sentence of what I said to the House a moment ago:

500 ‘... in order to encourage the relocation and establishment in Gibraltar of the five-star Grand Luxury Floating Hotel – the Sunborn, Gibraltar, I can confirm that the Government has committed itself to assist in any way that it can to make this project a reality.’

505 **Hon. D A Feetham:** Mr Speaker, in relation to this question of Spider Crabs and also the Limpets, has an environmental impact study actually been undertaken and, if so, was it undertaken prior to the works having commenced, for example dredging works having been commenced in the area?

**Hon. Chief Minister:** Mr Speaker, I understand that if he looks at the documents that were filed before the DPC, the Government has confirmed that such a study is, has or is being undertaken.

510 **Hon. D A Feetham:** Well, Mr Speaker, that does not really answer the question. 'Has or will be undertaken' does not answer the question as to whether an environmental impact assessment has and did *in fact...* was in fact undertaken prior to the works in this area having been undertaken, for example, the dredging. Now, if he does not know what the answer is, perhaps the Minister for the Environment does.

515 **Hon. Chief Minister:** No, Mr Speaker, I am looking through the questions and the hon. Gentleman has not given notice of such a question.

If he wants an answer to a question like that, which is asking for a particular factual answer to be given, I am quite happy to get the information and provide it to the House, but he needs to give me notice of such a question.

520 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Chief Minister confirm that substantial dredging works have been undertaken in this particular area?

525 **Hon. Chief Minister:** Mr Speaker, I can confirm that no dredging works have been undertaken in the area to date.

**Hon. S M Figueras:** Mr Speaker, perhaps I can be of assistance to the House in saying that I have seen the papers filed with the Development and Planning Commission in respect of the infrastructural works – infrastructural works which were not listed as a Government project in the agenda of the meeting, but I understand were stated to be so at the meeting itself.

530 In those documents, though I do not have a copy of them with me, there is, in the application form, reference to an environmental impact assessment ongoing in the application form. However, I understand from my hon. Friend, Mr Netto, that during the meeting of the DPC at which this matter was discussed, it was decided that a screening process should be undertaken in order to determine whether a full-on environmental impact assessment should be conducted.

535 My question to the Hon. the Chief Minister is this: my understanding is that the vessel – and the value of the initiative of which is not in question in this House today, because we are talking about issues which are entirely distinct from that assessment – the vessel was already on its way at the time of that meeting of the Development and Planning Commission.

540 **Mr Speaker:** Question, please. You say 'my question is' – please get on with the question.

**Hon. S M Figueras:** My question, Mr Speaker, is if that was the case is it not rather unnecessary to take a matter before the Development and Planning Commission, when it has already been decided that it is going to go ahead, no matter what?

**Hon. Chief Minister:** That was not the case, Mr Speaker.

550 **Hon. J J Netto:** Yes, thank you, Mr Speaker. I have got actually a number of questions, so I will try and keep it as short as possible and see what response I get from the Minister for the Environment.

555 The Chief Minister, in his contribution, made an over-optimistic assessment in relation to the Spider Crabs. Whether the Chief Minister likes it or not, it is an endangered species and this is why it is in the schedule of the Nature Protection Act. So the question is, Mr Speaker, given that we now know that someone has instructed people to remove the Spider Crabs from the location where the dredging is going to take place, can the Minister for the Environment please tell the Parliament, who actually gave those instructions and whether a licence was issued for that purpose?

560 **Hon. Chief Minister:** Well, Mr Speaker, I am dealing with these questions and the hon. Gentleman, if he gives notice of the question, will have the information that he requests. That is not information that he has requested.

565 But, we have not talked about removing Spider Crabs, we have talked about – because that might suggest removal of them to the pot in which they are going to be cooked – they are being moved, in order to be able to continue in their protected existence.

**Hon. J J Netto:** Well, I think, Mr Speaker, the Hon. Chief Minister simply does not know what he is talking about, hence the reason why I am directing the question to the Minister for the Environment who certainly knows what I am talking about.

570 In relation to the removal of the Spider Crabs, does the Minister for the Environment not realise that we are at the moment in the spring bloom season, which means that female Spider Crabs are in the reproductive cycle, thereby any disturbance which we now acknowledge has taken place and probably

without a licence, as it should be done under the Nature Protection Act, has taken place, which will mean this endangered species will have a less reproductive season this year, as a result of the actions of the Government?

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**Hon. Chief Minister:** Mr Speaker, I have told the hon. Gentleman that if he wants information about when licences have been granted, etc he should give notice of the question or write to me and I will give him the information.

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In the question that he has just put, he has said that no licences have been granted, when in fact, that is not the answer that I gave him.

Now, this is a Parliament where we are accountable for the actions of the Government, Mr Speaker. Of course, if there are issues which could affect the reproductive capability of Spider Crabs, it is an issue that would be relevant to the Government, because this Government *cares* about the environment and cares about how we do things.

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That is why, Mr Speaker, the hon. Members had the opportunity of seeing these issues listed for the DPC. That is why, Mr Speaker, he is being told the Spider Crabs have been moved. That is why, Mr Speaker, we do so much of what we do.

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But, the hon. Gentleman should rest assured, there is no question of this Government doing something to endanger any endangered species which is actually doing so well, given the protection it was afforded under the 1991 Nature Protection Act. I am not going to say to him, Mr Speaker, that it appears that it is him that does not know what he is talking about, because I am actually trying to avoid that this debate should... or this question-and-answer session should descend to that level; but if he thinks that he scores some political points by starting his questions like that, it is a matter entirely for him.

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**A Member:** Hear, hear.

**Hon. J J Netto:** Mr Speaker, can I ask the Minister for the Environment whether he can confirm that a licence has been issued and if any licence has been issued, will he provide a copy to Parliament?

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**Hon. Chief Minister:** Mr Speaker, I have told the hon. Gentleman that the question about the licence is one on which we would require notice, and I am dealing with the questions in relation to this matter which, because it represents an investment of £150 million for the people who are bringing the vessel to Gibraltar, is an important issue affecting the macro-economic state of our economy.

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Therefore, Mr Speaker, he has not been told he will not be given the information; we have told him that if he writes in or if he puts the question with notice, he will get the information, and the only additional element in what he has asked for now is whether he can have a copy of any such licence. Mr Speaker, giving him information or giving him a copy of the licence for me is exactly the same and he will be able to have a copy if he requests it.

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**Hon. D A Feetham:** Mr Speaker, I understand that the company, Steel Mac is undertaking some work in relation to this particular preparatory work in relation to this particular project. I had understood that some of the work that they were undertaking was of a dredging nature; but can he enlighten the House as to what kind of work Steel Mac is undertaking in relation to this particular area, please?

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**Hon. Chief Minister:** Mr Speaker, I am afraid that the hon. Gentleman should not believe every rumour he hears on the street.

As far as I am concerned, there has been no dredging whatsoever. I know that Steel Mac is one of the companies that has tended to do work for the Government, but I do not know whether it has already been granted any works, because certainly in the information that I have been provided, there is nothing suggesting that the sort of work that they do has been undertaken in any way, to date.

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**Hon. D A Feetham:** Well, Mr Speaker, I do not –

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**Hon. Chief Minister:** But if he wants, I can try and find out. I am very happy to go back and find out whether perhaps some of the things that neither he nor I might associate with the work that Steel Mac does, and which has resulted in £137,000 already being incurred, has been done by that company. I am quite happy to check and give him the information when we next meet, which is likely to be on Monday.

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**Hon. D A Feetham:** Well, I am very grateful for that.

No, I have not heard this particular rumour in the street; in fact when I was parking my car, one of the directors of Steel Mac actually told me himself that they were about to go and do some preparatory work for this particular project. That is exactly why I am asking the question! I had assumed that it related to some dredging work and I have been provided some information, unrelated to Steel Mac, that dredging

635 works had been undertaken in the area. But, if the Hon. the Chief Minister says that no dredging work has been undertaken in the area and that is confirmed as well, by the Hon. the Minister for the Environment, then I will accept it.

640 But, does the Hon. Chief Minister not agree with me that this appears to be a project that is being pushed through by the Government with really undue haste – it is a project that apparently is being ploughed ahead with in the absence of a full EIA, when we know that this is an area where there are Spider Crabs that are protected by the Nature Protection Act, and that is common ground across the floor, when we know that there are Ribbed Mediterranean Limpets, not in that area but in the vicinity that in fact may be, could be affected – I do not know, I am not an expert, but could be affected – by any dredging works that are conducted in the area; that we know also, because GONHS issued a press release, I think it was last year or the year before, that this area is a breeding ground for sea bass, which in fact was something that GONHS at the time were saying ‘What a great area we now have for the breeding of this particular fish’?

645 In the light of that and the fact that there are works that are being undertaken in the area, the absence of the EIA works in the area, this is a project that appears to be being pushed ahead by the Government with complete undue haste and with disregard for areas such as the environment, as my hon. Friend, Mr Netto, was asking about, without proper regard to those, just simply to get this particular project here to Gibraltar so that the Gibraltar Government can say, ‘We have brought £150 million of investment’ – good as that is for Gibraltar.

655 **Hon. Chief Minister:** Mr Speaker, I could not disagree with him more. It appears that when we move quickly on a project, we are proceeding with undue haste; when we do not move quickly enough, we are not going to fulfil the manifesto commitment and we are going to fail to deliver. Well, Mr Speaker, nothing could be further from the truth and the fact is that this Government is the one that is subjecting projects which it needs to undertake – infrastructure projects, or aspects of a project which it needs to undertake – to a planning process, where the Hon. Mr Figueras said, during the course of which, the environment was discussed and the work to be done in respect of environmental assessments, etc was considered and will be done.

660 The question is, Mr Speaker, is the hon. Gentleman saying to me, with a straight face, that we should not even do the things that do not affect the environment and the EIA? Perhaps he should say to me, ‘Are you satisfied that none of the things you have done to date are the sorts of things that need to be considered by the EIA and the screening?’ If he had asked me that question, Mr Speaker, I would say to him, I am satisfied, because of the advice that I have and the advice that the Minister for the Environment has, that none of the works done to date are the works that should be the subject of any aspect of environmental screening or an EIA. Therefore, I am very happy that the works done to date do not exclude any concerns that may be raised by an EIA.

670 Now, is he saying, or could he also be asking, ‘Is the Chief Minister satisfied that the results of an EIA will not prevent the vessel from coming and therefore that the money expended now will be thrown away?’ I am satisfied, from the advice that I have, that an EIA in detail or any other environmental screening process which may be undertaken – EIA, screenings, etc... All of those have a fixed meaning in law and let us talk about them generically. I am satisfied with the advice that I have that whichever one of those is pursued will not result in anything being put to the Government or resulting that would prevent the vessel from coming to the location where Ocean Village and Sunborn have agreed it should come, and that therefore the works which are preparatory and which do not require environmental assessment of any sort should proceed.

680 Now look, Mr Speaker, in those circumstances, what is it that the hon. Gentleman would have done if he was in Government – not move a muscle until he had the EIA? Well, I have to put it to him, Mr Speaker, that that would be completely contrary to the way that they have conducted themselves for the 16 years that they were in Government, and it would be completely contrary to what is reasonable, because Mr Speaker, although I believe that they acted without the concerns of the environment that they now appear to have, in many of the instances where they acted, where they have defended in this House, Mr Speaker, that Government projects should not go to the DPC, well, Mr Speaker, I put it to them that what is perfectly reasonable and is perfectly proper and I would have supported, if this had been what they had done, when they were...

690 **Mr Speaker:** I think the Chief Minister is in danger of widening the ambit of the debate considerably.

695 **Hon. Chief Minister:** In that case, Mr Speaker, I will move quickly just to answer my own question, which is this: (*Laughter*) it is very simple, it is absolutely right and proper, in the absence of an EIA or a screening assessment, to do the things which do not require an EIA or a screening assessment or any other such environmental requirement – the things which do not require it – and then awaiting the result of any such environmental process, progress with such other works as may be necessary, and if one is



advised, 'Look, this environmental assessment could go either way', well then you do not spend a penny and you wait. But if you are told, 'Look, the assessment has to be made, the results are likely to be either to do (a) or to do (b), but they are not going to be...' and this is what the environmental experts at official, technical and political level tell you, then you can progress to do the works which are preparatory.

700 I think that in the interests of the macro-economic benefit of the community, that was exactly the right way to progress, and I will add this: in the 16 years, Mr Speaker, that the hon. Members enjoyed the benefit of governing our community, they sought extensively, rightly, to attract five-star hotel offerings to Gibraltar. Mr Speaker, we have achieved bringing one such five-star hotel offering to Gibraltar and I expect that at least this aspect of the proposal is welcomed by them. I am grateful that the hon. Gentleman has recognised that a project of £150 million is good for an economy that is going to benefit to the tune of approximately 150 jobs.

**Hon. D A Feetham:** Mr Speaker.

710 **Mr Speaker:** I will allow one further supplementary on this matter. (*Interjections*) That is my ruling.

**Hon. D A Feetham:** Mr Speaker, if it is your ruling and I cannot persuade you otherwise, that is fine.

715 **Mr Speaker:** You are taking... Now both the Government and the Opposition are widening the aspect of this specific question to a debate about what one side or the other was doing in power. I am prepared to accept a supplementary question from each of the Members of the Opposition that have been asking questions on this issue. I will allow one from each of you, and then that is it.

720 **Hon. J J Netto:** Mr Speaker, at the end of the day, whatever your ruling is your ruling is, but I do have quite a number of supplementaries.

725 **Mr Speaker:** I will allow Mr Netto, who was asking the original question, to get on with supplementaries. I will try to be lenient with him: we will see how far it goes, but if the matter gets out of hand, I will then move on.

730 **Hon. D A Feetham:** Yes, I will try for the matter not to get out of hand, but you see, Mr Speaker, can I ask the Hon. the Chief Minister this: that of course it was them that came into office promising a new dawn, and therefore it is not good for the Chief Minister to refer back to GSD practice, when they stand for change and a new dawn. What we are exploring here is the extent to which the party and the Chief Minister that placed so much emphasis on the environment, when he was Shadow Minister for the Environment, is now riding roughshod over the environment in order to get this project going and paying lip service to the planning process, when the whole thing is just simply a done deal.

735 Now, Mr Speaker, what was the point of going to the DPC on a project like this, when the Government appears, for all intents and purposes – for everything that the Chief Minister has said today indicates and confirms that – that really it was a done deal and there is nothing that the DPC could have said to have actually altered the Government's course in relation to this?

740 **Hon. Chief Minister:** Mr Speaker, to an extent, I am left wondering whether the hon. Gentleman actually did anything whilst he was in Government for four years. The hon. the back bencher who has just left was negotiating to use the plot which is known as the Old Yacht Club plot for a Hilton Hotel. I am going to explain this in stages, so that the hon. Gentleman understands it, because I do not think he quite understands the implications of what he has asked.

745 The Government was negotiating to lease that plot to a group that would build a hotel, which would be called the Hilton. Hilton is an international hotel brand. The agreement would include an agreement with Hilton and the developers of the plot and financiers of the plot, for it to be used as a Hilton Hotel. The agreement would stipulate how many floors could be built. The agreement would stipulate how the hotel should be run and for how many years. The agreement would be entered into between the Government and the third party that acquired the plot and Hilton and the financiers. By the time the Government signed the agreement, the individuals in question would not even have made a public statement, except that it came out by chance, in something the previous Chief Minister said in the Budget. Once the agreement was signed, it would then have been taken to the DPC by those third parties. The DPC has a majority of Government Members on it. In those days, it was the Minister in the Government that would have done the agreement.

755 Mr Speaker, is the hon. Gentleman saying that there was no point going to the DPC in respect of agreements done by the Government for buildings to go up in the centre of our city, because the person who would have ceded the land had a majority in the DPC?

760 Look, the reality, Mr Speaker, is that two parties have done an agreement: Ocean Village and Sunborn. In the context of that agreement being given effect to, the Government has to do works leading up to the area. In the context of the Old Yacht Club site or any site in Gibraltar where somebody is going to develop, 'infrastructure' implies the Government doing work, and therefore infrastructure is taken to the edge of the plot, right.

So in the context of this project, infrastructure involves taking services to the plot and, because we care about the environment – not just saying, 'Float it in, mate!', but actually looking at what has to be done, so that when it does float in, the environment is not disturbed.

765 If the hon. Gentleman was saying to me, 'How dare you go ahead with this project without removing the spider crabs, without protecting the limpets, without talking about an EIA! How dare you go about this project, as we would have, without taking it to the DPC!', then I would say, 'Look, fair enough. Although you would have done it that way, it is right that you say to us, because we have always said that we care about the environment and we will subject ourselves to the planning process for guidance, that how dare that we should do it that way.'

770 Well, we have not done it that way. That is why it is a new dawn. That is why these issues *have* been ventilated and considered in the DPC. That is why the environmental issues *are* being taken into consideration, and that is why this is being done properly. Properly done, it will *still* result in a £150-million investment for our community and 150 jobs.

775 I just wonder, although he is in a sedentary position, what the Opposition spokesperson for tourism thinks. I assume that he supports the fact that we are going to receive a five-star Grand Luxury Hotel in Gibraltar and, having heard our explanations, I also assume that hon. Members opposite will be satisfied that the new dawn has come, that the environment matters and that the DPC has had a look-in where otherwise it never would have.

780 **Mr Speaker:** The Hon. Mr Netto has a number of specific supplementaries arising from the questions which... three or four of them that he asked, which I think he is entitled to ask, and then I will allow Mr Figueras to come in.

785 **Hon. J J Netto:** Thank you very much, Mr Speaker.

Mr Speaker, the Hon. Chief Minister just said that things have been *properly* done. I think that is the word that he used. Well, Mr Speaker, if things are properly done and if the tonnage weight of the floating hotel is more than 1,350 tonnes, perhaps it may be – I am not a lawyer – that he is in breach of the European Directives in relation to environmental assessment.

790 If the hon. Members with an iPad looked at, very quickly, Directive 2011/92/EU on the European Parliament and of the Council of 13th December 2011 on the assessment of the effects of certain public and private projects on the environment – if he looks at that Directive and he goes to Article 2, where it says:

795 '1. Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. Those projects are defined in Article 4.'

800 Article 4:

'1. Subject to Article 2(4), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.'

805 If the hon. Gentleman goes to Schedule I, 'Projects referred to in Article 4(1)', it says:

'4. (a) Inland waterways and ports for inland-waterway traffic which permit passage of vessels over 1 350 tonnes;  
(b) Trading ports, piers for loading and unloading connected with land and outside ports (excluding ferry piers) which can take vessels over 1 350 tonnes.'

810 So, Mr Speaker, my non-lawyer's reading of the Directive is that, at the Development and Planning Commission, when the Environmental Safety Agency said, 'Let's go for a full environmental impact assessment', and the Government said, 'No, we are not going along that route; we are going to have a screening process', what they should have done, in my opinion, is to abide by the European Directive. So perhaps the Minister for the Environment can say that.

815 And can the Minister for the Environment also say whether, prior to the meeting of the Development Planning Commission –

**Mr Speaker:** I do not think the hon. Member is making it very easy for anybody to answer a supplementary question where the preamble for the matters that he has raised...

820 Look, Question Time should be short, sharp and to the point! We really are widening the whole purpose of... We are getting into a debating situation, which is what hon. Members have been doing for many years and which they should *not* have been doing, because it is contrary to Standing Orders. I am here appointed by them to implement Standing Orders, and I not going to allow it, because you are now debating.

825 How does the hon. Member think that anyone can keep track of what he is reading in order then to answer what should be a supplementary question? I find it very difficult to follow and I may have to give a ruling on the matter.

830 He really has to make up his mind. I have told him before and I tell the other Members: short, sharp and to the point; if not, I will move on to another Question.

**Hon. D A Feetham:** Mr Speaker, as Leader of the Opposition, of course, I heed what Mr Speaker says and I will have a conversation certainly with my own Shadow Cabinet team on this side; but of course, surely it must also apply to the length of the answers and the...

835 **Mr Speaker:** Did he not hear me tell the Chief Minister that he was widening the aspect of the matter? Surely, he heard me say exactly that.

840 **Hon. D A Feetham:** Yes, Mr Speaker, in relation to... Mr Speaker is talking generally: Mr Speaker spoke about a ruling and...

**Mr Speaker:** If I may. I am speaking generally and it has arisen because of what is a supplementary question by the Hon. Mr Netto, which I think makes it very, very difficult for anybody, with all the best will in the world, to be able to answer and to deal with that matter. You really cannot do that. What you can do is to ask a series of short, sharp, specific supplementary questions, but not five minutes of preamble. I have told him that before and I repeat it.

845 The House cannot do business in this manner – this is not what Question Time is for. You know that. You have been told that beforehand and I have been enjoining upon Members that if they want to, this matter of the floating hotel could have been the subject of a debate. They could have brought a motion. Instead, they have preferred to bring five or six Questions and I have allowed half an hour on that already, but I am not going to be any more lenient than that.

850 Now that is my ruling and I hope Members will stick to that.

**Hon. J J Netto:** Yes, Mr Speaker, and definitely I will take your advice on board. So, could I ask two short questions to the Minister of the Environment.

855 Has the Minister for the Environment, in this particular case, had a meeting with the Nature Conservancy Council to determine the effect or likely effect that can happen on spider crabs and limpets as a result of the dredging. That is the first one, and the second one, is there a requirement to inform the European Commission as a result of having two endangered protected animals before any work commences?

860 **Hon. Chief Minister:** Mr Speaker, I do not think those are in the nature of a supplementary in any way arising out of the questions, but I want to deal with the issue that the hon. Gentleman raised in the beginning.

865 If he looks at the application for planning and building control approval, which is Form 1, and he looks at question 15 – environmental impact assessment – instead of ‘Yes’ or ‘No’ he will find that the words written in there are ‘currently being done’. So, Mr Speaker, although I do not accept anything he has said about the advice that he is giving the House about *his* interpretation of the Directive, which may be entirely wrong – and I have not read it but I rely on what I am told by those who advise me – then the form certainly sets out what the position that the DPC considered was.

870 Finally, can I say to him, Mr Speaker, that he had the benefit of attending the DPC meeting because it was not held in private, or in secret – another one of the manifestations of the new dawn, which brought the DPC into the public domain. I am quite happy Mr Speaker to allow the Minister for the Environment to deal with the other issue, if you think it is appropriate.

875 **Mr Speaker:** Does the Hon. Mr Netto have any other supplementary? If not, I will ask Mr Selwyn Figueras to come in.

880 **Hon. J J Netto:** I understand that the Minister for the Environment is going to answer some (**Mr Speaker:** O.K.) of those questions.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** I just want to... I am aware that this discussion is going beyond the realms of a simple supplementary to a simple question, but I will answer that the Nature Conservancy Council has been consulted and, in fact, the Nature Conservancy Council is consulted regularly. I meet with them very regularly one every month or once every two months. I was a member of the Nature Conservancy Council during the time of the former administration. I no longer am, and I was never consulted – It is being consulted on this – not once. Well, perhaps for a couple of licences, but there was no consultation on any projects, and there has been no action and no planned action that requires the European Union to be informed at this stage.

As the Chief Minister has said, no action has taken place that would negatively impact the natural environment and those matters are subject to assessment and have been the subject of discussion with the Nature Conservancy Council and other experts in the field. And I think people who know me would know that I would work extremely hard to ensure that any impact of any such project is virtually negligible. **(Several Members: Hear, hear.) (Applause)**

**Hon. J J Netto:** Mr Speaker, can I ask just one more question to the Minister for the Environment? In relation to the contamination of the soil, perhaps can the hon. the Minister inform the House as to what type of contamination are we talking about, as to the threshold of the contamination we are talking about and the likely affect of any disturbance of any soil within the area.

**Hon. Chief Minister:** Mr Speaker, I am dealing with five, six questions here. Not one of them mentions contamination of soil – not one of them. I do not know how the hon. Gentleman thinks that a detailed question like that can be answered in respect of contamination when they have not raised the issue and we do not have the information before us, because it is a pretty detailed supplementary. He should just have put the question.

**Hon. J J Netto:** The only reason why I mention it is because this is public knowledge in the meeting of the Development and Planning Commission. Both the Government and the Chief Minister were there. All the officials were there from the beginning: it was said we have contaminated soil. It is not something I have invented.

**Hon. Chief Minister:** Mr Speaker, what I would say with respect to the hon. Gentleman, referring to your ruling, this is Question Time, this is not dissecting the DPC on what it discussed. This is Question Time.

**Mr Speaker:** The Hon. Mr Netto has been a Minister in Government before, as I have been, and he knows that when Questions are put to him here in Parliament his civil servants have prepared for him a number of supplementaries and matters that may arise, contingency matters and information that may arise in Question Time: in other words, a brief is prepared always for the Minister. There is a limit of what can be covered in any brief, humanly speaking, and sometimes the reality is that the information which is asked for in a supplementary is just not available at a particular moment.

Mr Selwyn Figueras.

**Hon. S M Figueras:** Mr Speaker, just one final supplementary. Can the Chief Minister, in the light of the fact that he has referred to it on a number of occasions, explain how in his assessment this represents an investment of £150 million in Gibraltar?

**Hon. Chief Minister:** Well, Mr Speaker, given the value of the vessel and the work that is going to be done by Ocean Village and the owners of the vessel to bring it up to the standard required for it to operate in Gibraltar, the number of jobs it is going to create and the activity it is going to create. So he needs to understand a £120 or £130 million vessel is floating into Gibraltar. That means a lot... *(Interjection)* Sorry, the hon. Gentleman wants to ask me another question – about what? *[Inaudible]* Right, so if somebody brings something worth £120 million to Gibraltar, does he think it is not worth £120 million in Gibraltar? It then starts to operate commercially as a hotel and creates 150 jobs... I mean, again, Mr Speaker, I assume that his spokesperson for tourism would be delighted with what is going to happen.

**Hon. S M Figueras:** Mr Speaker, I would have deferred my question to my hon. and Learned Friend but I am pretty sure it does not work that way, so I am grateful for the answer.

**Hon. D A Feetham:** Well, Mr Speaker, I do not know whether in fact the Minister for Employment agrees with the Chief Minister in relation to this, but you see there is a distinction and I do not want in any way, in what I am going to say, the question that I am going to ask him, to actually detract from the fact, which is our principal position, which is... look any investment, whatever the value, coming into

Gibraltar is a good thing. Our questions have been directed at a different... they come from a different angle, an angle of a Government saying one thing and doing another.

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But it is self-evidently not the same, you see. If in Gibraltar you build something worth £150, well maybe he could learn a lesson from me, I do not know. I know that he thinks he cannot but if you build something in Gibraltar worth £150 million, that is an investment of £150 million into the local economy. If you are bringing in a ship, whose value the Government says is £120 million but, in fact, that ship can leave Gibraltar tomorrow and there goes your £120 million investment, it is self-evidently not the same. Does the Chief Minister not agree with that?

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**Hon. Chief Minister:** Mr Speaker, of course if it is built here it means one thing and if it floats in it is another – but there goes your £150 million investment. I am afraid I am going to have to give him a short lecture in economics: it is not *our* £150 million investment and therefore it does not float away from us as *our* investment.

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So the hon. Gentleman, Mr Speaker, needs to think about what he says. And also, Mr Speaker, the hon. Gentleman says that they have come at this from the point of view of questions to demonstrate a Government that says one thing and then does another. I think, Mr Speaker, what is clear beyond peradventure at the end of this process, having heard the answer, is that this is a Government that has said one thing and it did exactly what it said it was going to do.

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**Mr Speaker:** Next Question.

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**Hon. D A Feetham:** Well, Mr Speaker? (**Mr Speaker:** Yes) May I just ask one question that is a simply 'yes' or 'no' answer, which I had as one of my list of supplementaries, and it is simply this. Has the Government agreed to provide, either in principle or otherwise, any soft loans in respect to this particular project?

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**Hon. Chief Minister:** Mr Speaker, I would need notice of that question. This is not any of the issues that have been raised in respect of this matter, so if the hon. Gentleman gives notice of that question for the next meeting I can try and find out exactly what the detail of anything related to soft loans might be, but I have no information with me today on that.

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**Lobbyists and political consultants  
Government engagements and relationships**

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**Clerk:** Question 424, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state who, other than his wife and Mr and Mrs Cortes, accompanied the Chief Minister to the Candlelight Dinner inauguration event in Washington earlier on this year?

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**Clerk:** Answer, the hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, assuming he does not mean the 10,000 other attendees, I will answer this question with Questions 425 to 429.

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**Clerk:** Question 425.

**Hon. D A Feetham:** Can the Chief Minister please state who procured the invitation to the Candlelight Dinner inauguration event in Washington earlier on this year?

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**Clerk:** Question 426.

**Hon. D A Feetham:** Will the Chief Minister provide to this House a list of all persons engaged by the Government as lobbyists and political consultants at public expense since 11th December 2011?

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**Clerk:** Question 427.

**Hon. D A Feetham:** Can the Chief Minister please state what, if any, consultancy or other arrangements does the Government have, or has had, with Mr Juan Verde either directly or indirectly through an entity in which he has an interest?

1005 **Clerk:** Question 428.

**Hon. D A Feetham:** Can the Chief Minister please state what payments have, to date, been made by the Government of Gibraltar to Mr Juan Verde or any company in which he has a direct or indirect interest in respect of any consultancy or other arrangements, identifying the payments on the dates they were made and the purpose for which they were made?

**Clerk:** Question 429.

1015 **Hon D A Feetham:** Can the Chief Minister please state whether Mr Juan Verde is a director or shareholder of any company (or the parent company of any such company) submitting any tender or offering to undertake any work or project for the Gibraltar Government?

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

1020 **Hon. Chief Minister:** Mr Speaker, in relation to Question 426 on lobbyists and political consultants my answer remains, as my earlier answer to Question 1084/2012, namely that we will continue the practice of the previous administration and not provide a breakdown, what we give is in exactly the same form as it was given to us by Members opposite when they were in administration.

1025 In relation to all matters relating to the attendance by the Minister for the Environment and myself at various events in Washington DC and Mr Juan Verde, the answer remains as my earlier answers on this subject.

The hon. Gentleman has pressed me on this before and the Government has provided answers, in fact we can exchange many press releases as well. Continuing to press me will not elicit further public information beyond that already provided. I have told him, and I have said in interviews, that I do not believe sharing information of this nature publicly is in the public interest of Gibraltar.

I have also said that I intend to set up a status akin to that of the Privy Councillors in the United Kingdom, where information of this nature can be shared. That may even require legislation.

1030 He should, nonetheless, understand that his pressing and his Party's statement on this subject have been seized upon by our nation's political opponents in an attempt to damage our continuing and successful objective of advancing Gibraltar's cause internationally.

1035 **Hon. D A Feetham:** Yes, Mr Speaker, when in trouble always hide behind potential attacks on Gibraltar by those who are our detractors!

1040 **Hon. Chief Minister:** Can I have a Point of Order, Mr Speaker.

**Mr Speaker:** What is the Point of Order?

1045 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has suggested that I have misled the House by trying to hide behind something, suggesting that there is not something there which is real, and I therefore ask that he reconsider how he has phrased his preliminary remarks.

**Mr Speaker:** Is the Hon. Leader of the Opposition satisfied that his remarks are well motivated.

1050 **Hon. D A Feetham:** Mr Speaker, I am quite satisfied that my remarks are within what are acceptable by Standing Orders and are within the ambit of political comment that is common in this House and has been common in this House for decades.

1055 **Mr Speaker:** I would ask hon. Members to try to keep the temperature down, you know, not to make the kind of remarks which will just set the pot boiling, more than what is necessary. I think we are all grown up, we are all responsible people and we can conduct our affairs responsibly, and I think that it will stand to the credit of all hon. Members in this House if they do that.

1060 I told them when they gave me the honour of sitting in this Chair that I was determined to maintain the dignity of Parliament, but they have to have an important role in that, and I hope that they can keep a semblance of decorum so that people outside do not have to be continually complaining, as they do. I get very often approached by people saying that they do not like, they regret, what is going on in this house. They need to keep matters under control. So, I would please ask hon. Members to be sensible in this respect and now that we are inaugurating this wonderful new Chamber that it should be primarily to their credit because they are the Members of Parliament and nobody else – and that is what they get elected for.

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**Hon. D A Feetham:** Well, Mr Speaker, can I say that I am happy to associate myself with the motivational intent behind his statement.

1070 Mr Speaker will, I think – I hope – have noticed that, in fact, certainly from this side of the House, we have attempted, certainly since I have become Leader, and I am not suggesting that that was not the practice earlier, but we have made a conscious effort to try and dampen down temperatures in this House. But of course, Mr Speaker, in the cut and thrust of politics...

1075 **Mr Speaker:** May I add one thing, I will say this also to the Chief Minister, that the moment that I read the last paragraph of his answer – and I am going to read it out, ‘He should, nonetheless, understand that his pressing and his Party’s statements on the subject have been seized upon by our nation’s political opponents in an attempt to damage our continuing and successful objective of advancing Gibraltar’s cause internationally’ – the moment that I heard that I said, Mr Speaker, you now have a difficult job on your hands.

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**Hon. D A Feetham:** Well, Mr Speaker, may I continue with my supplementaries, if I may, and no doubt both myself and the Chief Minister will take your words on board very seriously indeed.

1085 Mr Speaker, if I may start with Question 426, which is a question about lobbyists and political consultants. I did, in fact, go back to *Hansard* and I did read the answer that he gave to my hon. and Learned Friend, the former Leader of the Opposition and Chief Minister, Mr Caruana, and what he said was this – and this is the reason why I asked the question – what he said was this: ‘Mr Speaker, the amount paid, the amount paid by the Government in respect of lobbyists and political consultants since 8th December 2011 amounts to a total cost of £170,221. The Government will follow the practice of the previous administration and give no further breakdown of that sum.’

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So the answer that he gave to that particular question, although I recognise the question actually went wider than that, because it was both a list of lobbyists and the amount, the answer that he gave was in relation only to the amount of money. So is the Chief Minister, therefore, satisfied that, or is the Chief Minister now effectively changing what was the position then of not providing particulars in relation to the amounts? I have not asked what amounts have been paid to whom, just for a list of those individuals that are under the employ, so to speak, or have an arrangement with the Government for political lobbying.

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**Hon. Chief Minister:** Mr Speaker, thank you for your remarks about the conduct of proceedings in this House with which this side of the House entirely associates itself. I note what you said about the last paragraph but you should also note, Mr Speaker, that I have said things similar to that in the past and the questions keep coming.

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Mr Speaker, what the Government is going to do is what hon. Members opposite used to do when they were in Government, and that is to give heads of expenditure but not give breakdowns, because if they did not give breakdowns then certainly they did not give names because they did not give breakdowns, and therefore the position is exactly as it was when I last answered the question in this House.

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**Hon. D A Feetham:** Mr Speaker, thank you very much.

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Mr Speaker, did Mr Juan Verde procure the invitation to the Candlelight Dinner inauguration event in Washington?

**Hon. Chief Minister:** Mr Speaker, I have answered questions similar to this, and I have answered the question in the answer I have given already. The hon. Gentleman does not say to me...

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**Hon. D A Feetham:** Point of Order, Mr Speaker.

**Mr Speaker:** What is the Leader of the Opposition’s Point of Order?

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**Hon. D A Feetham:** The Point of Order is very simple. The Hon. the Chief Minister has made a statement saying that he has answered a question on this. Now, insofar as what he is saying, and I think that is what he is saying, that he has answered a question – this question – in this Parliament or anything related to Mr Juan Verde in this Parliament, that is clearly not the case.

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**Hon. Chief Minister:** Mr Speaker, in reply, I would refer you to the second paragraph of what I said, which was as follows: ‘In relation to *all* matters relating to the attendance by the Minister for the Environment and myself at various events in Washington DC and Mr Juan Verde, the answer remains as my earlier answers on the subject’. Then I went on to tell him that, however much he might press us on

those, I would not give further answers. Not giving an answer that a Member likes does not mean not having answered.

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**Hon. D A Feetham:** Mr Speaker he is obviously not going to answer that particular question.

Is he aware, Mr Speaker, that right up to a day or two after we issued our first communiqué in relation to the Washington visit, just before in fact, just two days, just before two days after we issued the communiqué, that Mr Juan Verde in his website, *www.juanverde.net*, included the following statement:

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‘Nowadays he acts as adviser and consultant for a large number of internationally notorious companies in both Europe and the United States. He is adviser for institutions like the International Advisory Board of the Government of Lithuania and the Government of Gibraltar’.

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Two days after we issued our press release, that statement was removed from Mr Verde’s website. Can the Government confirm that, indeed, prior to the removal – and also whether it continued after the removal of that statement from the website – that Mr Juan Verde was, in fact, an adviser for the Government of Gibraltar?

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**Hon. Chief Minister:** Two supplementaries are contained in that question, Mr Speaker. The first is was I aware of the statement of Mr Verde’s website and the second, a different one, about the status of Mr Verde’s relationship with the Government of Gibraltar. On the first, of course, the answer is yes, because it has formed the subject of public statements that the hon. Gentleman’s party have issued on the subject. And on the second, Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

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But Mr Speaker, let me put it to him in explicit terms. The work that he and his Party have done on this subject has resulted in diplomacy at the highest levels of the Spanish Government, raising an issue with diplomacy at the highest levels of the Government of the United States, asking that Gibraltar no longer be assisted. Mr Speaker, is it that he cannot join the dots? Well, Mr Speaker, if he can, and I assume that he can, why does he want to join the dots for those who want to attack us?

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**Hon. D A Feetham:** Mr Speaker, I will obviously, in the light of the statement that you made, shy away from my original statement, when he first made that particular point, about the Hon. the Chief Minister hiding behind that particular argument in order not to answer any questions.

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Mr Speaker, moving on to Question 428 – and I really, with Mr Speaker’s indulgence, need to take the Chief Minister back over *Hansard* before I actually ask my question – in November 2012 my hon. Friend, Mr Figueras, asked the Minister for the Environment to provide a full account to this House of expenses incurred by the Government in the hosting of the Thinking Green Conference in October. The Thinking Green Conference is connected to this because, of course, it is common ground that payments have been made to Mr Juan Verde, who was a speaker in relation to that particular conference. Now, so, the question was ‘full account of expenses incurred’, and in answer the Minister for the Environment then provided a schedule, and in that schedule he said that the total cost was £215,000 and that the contractual payment to Chrand Limited was £166,351.

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Then, in supplementaries, my hon. Friend, Mr Figueras, asked how much of that 166 referred, or related to – £166,000 – related to the speakers, and the answer was €150,000 and, in fact, that is reflected in a table which is Government-awarded contracts over £2,000 by direct allocations since the General Election, which is Table GC1 of 2012, and there we see the figure of €200,000, which roughly equates to £166,000, which was the answer the Hon. the Minister of the Environment gave to Mr Figueras.

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Then, in February of this year, Mr Figueras asked about a further notice, GC6, which is Government-awarded contracts over £2,000 by Ministerial application – by Ministerial application – and in relation to Chrand there is €100,000. Now, in total, that is €300,000, (1) in relation to contracts by direct allocation €200,000, and €100,000 by direct Ministerial allocation. Mr Figueras asked, well, what does this €100,000 relate to and the answer was it was two equal payments of €50,000: it was for the organisation and management of the conference, including security services for the guest speakers and fees for both speakers. That was the answer. Can he confirm, if he can, whether that answer is, in fact, an accurate answer. I am not suggesting that he has given it attempting to mislead the House, but I found it an odd answer, and I am just asking the Chief Minister to confirm it, in the light of the fact that there are two notices, one allocating a contract by direct allocation – €200,000 – and then, later on, direct ministerial allocation, what appears to be a further €100,000, in the light of the answers to the questions that my hon. Friend Mr Figueras received in November of last year.

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**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman starts in very pejorative terms, referring once again without pretending not to refer to it, to his argument that the Government is somehow ‘hiding’ and that is a pejorative term, behind something. Mr Speaker, you have made a ruling on that and therefore the



1190 hon. Gentleman should try and stick to it because otherwise every time he talks about not being in favour of 'Punch and Judy' politics, the argument to him should be well then stop punching.

Mr Speaker, I do not have notice of the question that he has given. He has given me a whole list of figures, referred to a Hansard and to a Table. I have had a quick conversation with the Hon. the Minister...

1195 **Mr Speaker:** May I ask the Leader of the Opposition what was the date of that Question, the *Hansard*. The date please.

1200 **Hon. D A Feetham:** Mr Speaker, the date of the Question about the €100,000, the previous Questions were in November of last year, the previous questions. The one about the €100,000 that I found odd in the light of the answer to the previous Question, and both Tables that appear to indicate an aggregate contract for €300,000 was in February of this year.

1205 **Hon. Chief Minister:** Mr Speaker, I do not have that information with me but, having quickly spoken to the Minister for the Environment, he seems to consider that those are exactly right. It may be that in a Table something has been doubled up but I do not have information in front of me to be able to give him, in respect of those figures, the confirmation that he is seeking – but I am quite happy, if he writes to me, to let him have that information. But, he should not under-estimate, however much he might want to politically try and deal with the point in this House, he should not under-estimate the political importance of what I have told him has happened as a result of their press release.

1210 I ask him, Mr Speaker, and I appeal to any statesman-like qualities that he may have, to consider very carefully what I have said and the effect of what they have done.

1215 **Hon. D A Feetham:** Mr Speaker, of course I consider very seriously the effect of everything that I do. What I am not going to do is shirk my responsibility and my duties as Leader of the Opposition in the desire to keep the Government and to bring the Government to account because there are other issues which I am not now going to discuss – not appropriate, because Mr Speaker would intervene. There are other issues that actually impact on this, of a local nature but, of course, Mr Speaker, he knows – because he practised at the firm of which we were both partners for many, many years – what the number of Hassans is and, of course, it is perfectly possible for him to pick up the telephone and to phone me and to brief me, or to tell me what is on his mind because it is a little difficult for me to accept some of the bare statements that he has made today.

**Hon. Chief Minister:** Mr Speaker, I know that he...

1225 **Mr Speaker:** If the Chief Minister has nothing new to add...

**Hon. Chief Minister:** I do have something, Mr Speaker. I do.

**Mr Speaker:** You do?

1230 **Hon. Chief Minister:** Mr Speaker, I know that he does not want to believe the things that I say but he should take it from me that what I tell this House on this subject is clear and unequivocal and true. Of course, he must bring the Government to account but with what I have told him in mind.

1235 Mr Speaker, I have to say I have been a partner of Hassans for many, many years. I think he has been a partner of Hassans for enough years that you can count on the fingers of one hand. Of course, I could phone Hassans but what I have said repeatedly, Mr Speaker, is that if they want the information, they should feel free to contact me and I am quite happy to give them a briefing.

1240 I have talked about the Privy Council-style status. I do not think I can over-estimate that. What I am saying, Mr Speaker, is a complete departure from the way in which we have run our affairs before. I am saying there is information that I sincerely believe it is in the national interest that the Government and the Opposition should share and that we should set up a process for that information to be shared which is watertight. I have said that will happen and it will.

1245 But I have said, across the floor of this House – and the hon. Gentleman needs to go back and look, given what he has just said – if you want the information, call me and I will share the information with you, I will give you the information behind the Speaker's Chair and the offer was flatly rejected in relation to this particular issue, lobbyists. Now it may be that the hon. Gentleman does not recall that. I am happy to sit down with him to give him this information, Mr Speaker. I am talking about *Hansard* so he can go back: I am not suggesting this has happened off the record and they have said no. I am suggesting to him that he should check *Hansard*. I do not know whether it was him or the previous Leader of the Opposition, the offer was made during the course, I think, of this year or the end of last year  
1250 and it has been rejected out of hand. If he has got a different attitude, which I would welcome, I am

delighted to give him a briefing on that and, when I give him the briefing, on the other matters that I have agreed to give him a briefing on. But he cannot expect me to pick up the phone and call the firm of which I have been a partner for many years, to speak to him, to give him information that he has said, or his party has said, they do not want in private.

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**Mr Speaker:** Next Question.

**Hon. D A Feetham:** Well, Mr Speaker, I have one more supplementary.

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Mr Speaker I am not going to prefix this supplementary with any political points, tempted as I am to do so but, Mr Speaker, I note that Mr Juan Verde is stated on the Presidential Inauguration Committee website to have made three donations – they are very transparent in the United States – three donations to the Presidential Campaign. One was for \$600, another for \$600 – three for \$600 on three separate dates – and one for \$50,000, which roughly equates to about €50,000. Can the Hon. the Chief Minister categorically state to this House that he has absolutely no knowledge that that donation from Mr Juan Verde to this particular committee has come from the proceeds of any monies that have been paid by the Gibraltar Government directly or indirectly to Mr Juan Verde?

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**Hon. Chief Minister:** Not only can I confirm it, Mr Speaker, but if he goes back and sees the answer I gave when they first started asking questions about this, I categorically denied it. Mr Speaker, he says that he does not want to make political points but then he goes on to say that the United States is transparent and tries, by a sideline, to suggest that somehow here we are not.

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Look, Mr Speaker, he has made all the points that they have made in their press releases, now again in this House. All the old points made again. Mr Speaker, look we are all bi-lingual so we will understand what it is that I mean by this, but one just wonders whether they are just green with envy that it was this Chief Minister that had his photograph taken with the President of the United States.

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**Hon. D A Feetham:** Well, Mr Speaker, just on that final statement that he has made, if I may...

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**Mr Speaker:** But, the last one. If the Chief Minister now replies to you, I will not allow you to stand up again to ask another question.

**Hon. D A Feetham:** Perish the thought, Mr Speaker!

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Mr Speaker, well on that point of the photograph, I was not going to bring it up myself but, given that he has brought it up, we are very curious, certainly on this side of the House, as to whether he can answer this. Does that cropped photograph with the President of the United States... was Mr Juan Verde cropped out of that cropped photograph with the President of the United States?

**Hon. Chief Minister:** Mr Speaker, I fear that the hon. Gentleman is afflicted with the malaise that I suggested that he was afflicted... Look, Mr Speaker, that is not a cropped photograph, it is a photograph and I have told the hon. Gentleman everything that I am going to say about that event.

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I would put it like this to him, just to end the debate because, unfortunately, it has become a debate. If whilst they were in office they had been offered the opportunity to have the Chief Minister of Gibraltar exchange views with the President of the United States and be photographed with him, would they have taken the decision not to go ahead with that if it did not mean having to pay a penny, as I have already confirmed was the position for Gibraltar?

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**Mr Speaker:** Next Question.

1300

**Libel action by Ministers  
Government policy**

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**Clerk:** Question 430, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether it is Government's policy to fund all libel claims brought by a serving Government Minister against a media publication?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no, sir.

1315 **Hon. D A Feetham:** Well, Mr Speaker can he provide this House with information as to what is Government policy, or the criteria forming Government policy, for the funding of libel claims by Government Ministers, not only against media publications but anybody else?

1320 **Hon. Chief Minister:** Mr Speaker, I would have thought it was obvious. When somebody is insulted by virtue of their office and what they have done in their office and defamed for that reason, then it is absolutely, in our view, appropriate that the cost of any such libel action should be borne by the taxpayer.

1325 There should be very few circumstances when it arises, Mr Speaker, for example where newspapers publish remarks made by Members of the Opposition which have been made clearly without thought or understanding the consequences of what they are saying: like, for example, comparing something that a Government Minister might say to things that might be said by somebody as contemptible as Mr Jean-Marie Le Pen demonstrates that the person who makes the comparison has not got a clue what Mr Jean-Marie Le Pen stands for and how quite contemptible and defamatory it is to be compared to them.

1330 Mr Speaker, there are circumstances when one in politics needs to have broad shoulders, a broad back and just keep going and ignore the ignorance of those who might make such remarks and those who report them have no fault in simply reporting them. But there are circumstances where things are said which are so highly defamatory of people who have been acting in the conduct of their offices, that it would be appropriate for the taxpayer to fund such claims and there are circumstances where things may be said where it would not be appropriate, even if it is defamatory and actionable, for the taxpayer to foot the bill of such action because the remarks may be of a more personal nature or in the context where the person has not been exposed to the criticism as a result of their office but more as a result of their conduct unrelated to their office.

1335 I would have thought it was pretty obvious, Mr Speaker, but I am quite happy to explain it to him in those terms.

1340 **Hon. D A Feetham:** Mr Speaker, what is the Government's policy, for example, on funding libel claims by former Government Ministers in relation to allegations made about that former Government Minister in the conduct of work that he has undertaken whilst he was a Government Minister?

1345 **Mr Speaker:** No, I am not allowing that supplementary because the original Question is very clear: 'Can the Chief Minister state whether it is the Government's policy to fund only libel claims brought by a *serving Government Minister* against a media publication?' A retired Minister is not a *serving* Government Minister and therefore that supplementary is outside the ambit of the original Question, so I am not allowing that supplementary.

1350 **Hon. D A Feetham:** Mr Speaker, I will bring the ... all it is doing is for me then to bring a question on notice next time round.

Now the reason why I am, if I may Mr Speaker – and I am trying not to be as reasonable as possible in relation to this – the reason why I am bringing up this particular point, is of course, one can envisage circumstances Mr Speaker whereby a former Government Minister, the day after he leaves office, is defamed in exactly the same way as the Chief Minister has just described with a serving Minister.

1355 **Mr Speaker:** I agree with...

**Hon. D A Feetham:** Therefore, I would say, well, what is the difference?

1360 **Mr Speaker:** If I may. I agree with him. It could happen in the case of someone who was serving in a Government twenty years ago.

**Hon. D A Feetham:** Exactly.

1365 **Mr Speaker:** Right, but I do not think that it is fair, under the ambit of this Question, to expect the Chief Minister to stand up and give a considered answer.

I think the matter can be raised formally. I invite the Hon. the Leader of the Opposition to put a Question on the Question Paper on the Agenda for the next time, asking what would happen to the present Speaker if someone were to libel him because of something that he is supposed to have done twenty years ago and perhaps the Chief Minister will give a considered reply.

1370 **Hon. D A Feetham:** Mr Speaker I am quite content to give notice in relation to that question although I suspect that the Chief Minister probably knows what the answer to that question is.

May I then move on to another supplementary? Obviously, if the Chief Minister is right, I do not know if he has done libel claims, I certainly have done libel claims in my time professionally, there is

1375 always going to be a judgement that is going to be made in relation to these things, because we are in politics, the cut and thrust of politics being as it is there are going to be things said about us and there have been things said about all of us, quite nasty things, that are possibly libellous but that you just simply take in your stride and you just take it as being part of the job.

1380 But my question to the Chief Minister is, how does the Government intend to decide where on what side of that particular equation the facts fall?

1385 Is this a decision, for example, that is taken just simply by Government Ministers or, in the formulation of that policy, is it the Government's policy to effectively outsource, if I can use that word – it is probably the wrong word – a recommendation to somebody else that may not be Government Ministers – for example, I do not know, the Chief Secretary or somebody else – because otherwise we are left with a situation where, effectively, it is Government Ministers deciding to use taxpayers' money to fund libel claims against third parties.

**Hon. Chief Minister:** Mr Speaker, it is certainly not a case of that, it is certainly not a case of that.

1390 Of course, if anybody who was a serving officer of the Government were libelled as a result of something he has done as a serving officer of the Government – he has given the example of the Chief Secretary. Of course it would extend, in my view, to them but it is that I have answered his question and his question is about Ministers.

1395 **Hon. D A Feetham:** He has not understood my question, my supplementary.

**Hon. Chief Minister:** No, no, no. In giving the answer that I gave, I gave it about Ministers because it was asked about Ministers.

1400 **Hon. D A Feetham:** He has not understood my supplementary.

**Hon. Chief Minister:** No, I have understood your supplementary. I have said of course it extends to people who are not Ministers. It extends to other officers of the Government...

1405 **Hon. D A Feetham:** But I have not asked...

**Hon. Chief Minister:** Well, then, why did you refer to the Chief Secretary?

1410 **Hon. D A Feetham:** I have not asked whether it extends to other Members of the Government. What I have said is that, in the decision as to whether to fund a particular libel claim – you yourself referred to the fact that there are some serious libel claims, others less serious, and I agree with that, that is what I am saying – but of course somebody has got to make the decision. Somebody has got to make the decision as to whether taxpayers' money is used to fund a libel claim. Presumably, that is obviously going to be the Government of Gibraltar but if the Government is making that decision and it is not – I use the word 'outsourced' – seeking advice from somebody else as to whether it would be appropriate in the circumstances to use taxpayers' money to fund libel claims... That is the context that I used the Chief Secretary, whether it is the Chief Secretary who advises the Government.

1415 Look, in this particular case, given these guidelines that we have here, I believe that it would be reasonable for the Government to fund a libel claim against a third party and what I am saying is, does the Government have that kind of safeguard, that kind of third party input, into the decision to fund libel claims against a third party – hence my reference to the Chief Secretary.

1420 **Hon. Chief Minister:** Well, Mr Speaker, let me then deal with a number of issues. First of all, it does extend, not just to protecting serving Ministers, it extends to protecting other members of the Government and that would include officers like the Chief Secretary, which is how I thought that he was bringing him into the equation.

1425 Indeed, Mr Speaker, there is an argument that anybody who is libelled in the conduct of their profession is covered by the liability of the employer and I am grateful that Mr Speaker has said I do not have to answer the question about past Members but, intuitively, I think I know what the answer is but I will take advice on it if the hon. Gentleman puts the question.

1430 Mr Speaker, Government policy – the hon. Gentleman is asking about Government policy, he did not ask me about the *mechanics* of how we deal with that, he asked me about Government policy – Government policy, as he must know, is the policy of the ten people who sit round this table, therefore Government policy is determined by the Ministers. But, whether, then, that Government policy can be implemented in the Westminster system of Government that we have, also requires that the Civil Service gives effect to it. Of course, in the way that I handle Government affairs, I work very closely with the Chief Secretary in the implementation of Cabinet decisions and Government Policy. It is the role of the

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1440 Civil Service not to roll over and say ‘Yes, Minister’, it is the role of the Civil Service to say ‘Minister, in this situation, I do not think it is appropriate for you to engage with public finances in this way.’ And, of course, that would involve, Mr Speaker, an element of interaction with the Chief Secretary and others who may be relevant in terms of mechanics and the way things are done.

1445 **Hon. D A Feetham:** So in relation to the recent, for example, the recent libel claim that the Hon. the Minister for Employment brought, the mechanics just in relation to that is there is a collective decision made by the Cabinet as to whether to fund that particular libel claim, as to whether it is meritorious – it has got to be considered by somebody – and then that decision by the Cabinet is then referred to the Chief Secretary, on a bilateral basis between the Chief Minister and the Chief Secretary, and if the Chief Secretary says, ‘Yes, this is appropriate’, then it goes ahead and that is, in fact, what happened in the libel claim with the Minister for Employment?

1450 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is now asking me about specifics, not about Government policy. I am going to go back in my mind, I think it is almost six months, to tell him that that is exactly the sort of way that I believe we handled the matter at the time. He will be delighted to see that things have changed quite considerably and that the Civil Service has an important role to play in the administration of Gibraltar’s affairs now.

1455 **Mr Speaker:** Next Question.

1460 **Government rental estates  
Refurbishment costs**

1465 **Clerk:** Question 431 is to be answered by the Chief Minister in conjunction with Question 341, so we are now going to go to 341 and the question is for Mr Reyes, the Hon. Mr Reyes.  
Questions 341, the Hon. E J Reyes.

1470 **Hon. E J Reyes:** Mr Speaker, further to Government’s recent announcements can the Minister for Housing – in this case, it is going to be the Chief Minister – make available to this House, details of the scope of works and cost in relation to all refurbishment works which are to be carried out in Government rental estates, including details of which companies have been awarded which specific contracts?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.  
Question 341.

1475 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** The answer to this Question will be answered with Question 431.

**Clerk:** Question 431, the Hon. D A Feetham.

1480 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide the estimated costs of the refurbishment works to Laguna, Moorish Castle and Glacis Estates?

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

1485 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand the hon. Member a schedule containing the information requested in Question 341 and can confirm, Mr Speaker, that the estimated costs of the refurbishment works to Laguna, Moorish Castle and Glacis Estate is in the region of £51 million.

**Answer to Question 341**

**Summary Of Jobs**

**Laguna , Glacis and Moorish Castle Estates major projects**

Generally, detail scope of works are compiled from standard technical documentation and publications. However, an overall description of the works to be carried out comprises the following:

1. The recladding/insulation of the residential blocks – together with the replacement of windows (doubled glazed windows) will improve the energy and acoustic performance of the buildings and address any water penetration problems via the façade.
2. The construction of mono-pitched roofs to Laguna Estate, Moorish Castle Estate and the low-level building to Glacis Estate – to address the current roof problems.
3. The provision of lifts to each block, where possible – to lessen the burden of stairs to the existing flats.
4. The provision of defined individual clothes drying areas – in order to conceal what can amount to a necessary but untidy practice impacting on the first impression of the estate.

Contractor: GJBS

Contract Sum: £51,000,000 (includes Housing Works Agency Contingency £3,168,765)

**Varyl Begg Estate**

Refurbishment of internal areas and entrances to the four 9-bay blocks. These are Valiant House, Royal Sovereign House, Alert House and Repulse House.

- Work entails
- 1) New entrance ramps from street level.
  - 2) Repairs to spalling concrete around the internal corridors and staircase.
  - 3) Cleaning and repainting of railings to corridors and staircases.
  - 4) Repairing and painting of duct doors.
  - 5) Painting of internal corridor areas of soffits to slabs.

Contractor: GJBS

Contract Sum: £130,385

**CONTD ANSWER TO QUESTION 431**

**Contd Answer to Question 341**

**Sandpits House**

Refurbishment of external elevations to the block.

- Work entails 1) Repairs to all defective concrete areas, surface render and window ledges.  
2) Fitting insulated wall cladding system to all elevations.  
3) Forming new access hatch to roof area from stairwell.

Contractor: GJBS  
Contract Sum : £183,146

**St Joseph's Estate**

Refurbishment of communal areas within the estate.

- 1490 Work entails 1) Lifting of sunken floor areas due to subsidence, compacting and laying new paving tiles and rainwater drainage channels.  
2) Replacement of old chain-link fencing with new.  
3) Repairs to all staircases and modifying gradients to some.  
4) Repairs to retaining walls and parapet walls.  
5) Replacement of old public benches.

Contractor: GJBS  
Contract Sum: £151,287

**Kingsway House, Alameda Estate**

Refurbishment of Kingsway House.

- Work entails 1) Hacking off all surface render and redoing with new coloured acrylic render system.  
2) Redoing all flat roof/terrace areas with 3-layer felt and quarry tiles.  
3) Replacement of original timber/steel frame windows.  
4) Repairs to structural steel columns where possible.

Contractor: Profield Contractors Ltd  
Contract Sum: £1,272,833

1495 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister provide some details to this House, or an idea of how the £51 million is going to be funded? Is it going to be funded by borrowing or is it going to be funded through Government surplus?

1500 **Hon. Chief Minister:** Mr Speaker, we are already seeing on the Order Paper the fact that the Appropriation Bill has been published. The Appropriation Bill will be debated, I am happy to tell Members as they might expect during the course of the next sitting of Parliament in June and I do not think it is appropriate for me to go into spending matters at this stage. He will have an opportunity of seeing details during the course of that debate.

1505 **Hon. E J Reyes:** Thank you, Mr Speaker.  
I see that in the part relating to the Glacis Estate, point number three says a provision of lifts to each block, where possible, to lessen the burden of stairs to the existing flats. Am I being over-ambitious, Mr Speaker, in reading into that... I have some tenants who, sort of, wish to have their fears calmed down, that the lifts may not actually reach to the level of the landing of a particular floor but will be sort of at mezzanine level, half way between one floor and another and, therefore, there will be the use of stairs necessarily involved. Is that, perhaps, the way the Government at this particular stage is able to answer when he says 'where possible to lessen the burden'? Will this still require, in some cases, the use of stairs  
1510 in order to get into or out of the lift to their own flats?

**Hon. Chief Minister:** Mr Speaker, in some instances the lifts may be on a mezzanine level. They may not be on the absolute flat, but somebody who has gone up six flights of steps may only have to go up half as a result.

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I assume, Mr Speaker, that that fear has arisen from the way that *they* installed lifts in Glacis Estate, which was on the mezzanine level, not for a bad reason, Mr Speaker, because in some instances it was feared that if the lifts went down to the ground level, children, in particular those blocks that are closest to the schools, might be tempted to be interfering with the lifts all the time. So what *they* did, which was to fit the lifts in a way that only got to the mezzanine level, is maybe what we have to do in some instances, but not all. But it will certainly lessen the burden of six flights of steps if somebody only has to go up half – obviously the judgement that *they* made and not one with which we disagree.

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**Hon. J J Netto:** Thank you, Mr Speaker.

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I do not know whether the Hon. the Chief Minister may have at hand the information I am requesting now. In relation to the same point, point number three on the question of the installation of lifts and with the qualification ‘where possible’, I assume by now he must have had some kind of a technical report as to where this is possible from an engineering point of view and where it is not possible, whether it is in Moorish Castle or Laguna Estate.

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Does the Chief Minister have that information available, as to which particular blocks or the number of blocks, say, in Laguna and the number of blocks, say, in Moorish Castle will be installed with a lift and how many will not because there are good reasons from an engineering point of view that they cannot be installed?

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**Hon. Chief Minister:** I have the information, Mr Speaker, broadly. I do not have the information in detail because he has not given notice of the question but I am happy to tell him that there appears that there may be no blocks that will not have lifts installed, except that there may be some difficulty in the way that the lifts are installed in one particular block at Moorish Castle Estate. One particular block, but I understand that in all others there should be very few, if any, real engineering difficulties and therefore that information I can give him.

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#### **Queen’s National Theatre project Cost to Government**

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**Clerk:** Question 432, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide details of the overall estimated cost to the Government of the Queen’s National Theatre project?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, there is no overall estimated cost at this stage, given that Government is being advised by the Committee appointed to consider what should be included in the project. There is a budget, of course, but it would be inappropriate to present such a budget at this stage, as this would influence the value of tenders for the works.

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#### **New permanent power station Update on Government plans**

**Clerk:** Question 433, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, this is a question that I lodged with Parliament and, on the same day a notice appeared, an official notice appeared in relation to the –

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**Mr Speaker:** Yes, but we are not going to go into that, are we? You are going to ask a question and you are going to get an answer.

**Hon. D A Feetham:** Yes, Mr Speaker, I was explaining why.



1575 **Mr Speaker:** What I am saying is that we are not going to debate... We are not going to debate the question of the official notice that came out, that is what I am saying.

**Hon. D A Feetham:** Mr Speaker, absolutely not. I am just explaining why I am asking the Question when a statement has already been made. That is all, because listeners may find it odd, but Mr Speaker promised that he would allow me leeway in relation to supplementaries.

1580 Can the Chief Minister please update the House as to where the Government is with its plans in respect of a new permanent power station for Gibraltar?

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

1585 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am delighted to inform the House that the tender advert in respect of the new power station was published on 8th May 2013.

**Hon. D A Feetham:** Thank you very much.

1590 Mr Speaker, has the Government made a firm decision in relation to the location of the new power station and is that decision reversible in any way or is the decision firm and the Government really intends to go ahead with the location of the power station in that area?

1595 **Hon. Chief Minister:** Well, Mr Speaker, it is as firm as it can be at this stage. In other words, the location is based on the advice that we have as to the types of engines that we expect people will tender to provide, the type of fuel we believe can be used, the way that that can be made completely and entirely safe and the way that the emissions and the noise can be dealt with to such an extent that there will be no noise whatsoever which would cause any ambient concerns for people living anywhere near the area or even working anywhere near the area – and that there are no emissions that would cause any concern to anyone.

1600 Because the *huge* step forward we are going to take by having not proceeded with the previous plan and proceeded with *this* plan is such that we will have a modern installation, as long as the tenders comply with what we are advised they can comply with and, therefore, Mr Speaker in the event that none of the tenderers were to come up with the proposals that we expect, given the specification we have set out in the tender, well look, then it might be that we would have to go back to the drawing board. We certainly do not expect that to be the case and we will be able to give satisfaction to anybody who might live anywhere near the area – and ‘near’, let us face it, includes anywhere in Gibraltar – that they will suffer no noise whatsoever and that they will have absolutely no danger to them from emissions that may come from the generating sets that are used. I think that is an important issue to always constantly remind the community of.

1610 Should it be that we do not get offers for the types of sets that we have set out with the advice that we have had in respect of what those sets do in terms of noise and emissions, then it would be back to the drawing board. I sincerely doubt that we will ever find ourselves in that situation.

1615 **Hon. D A Feetham:** Yes, well, Mr Speaker, just in relation to that, can I take it that the Government has already had conversations, without revealing who they are, but can I take it that the Government has already had conversations with people that might be interested in this particular project and that, in fact, the Government has already discussed the potential location and whether it is do-able?

1620 **Hon. Chief Minister:** The Government has discussed what could happen in relation to power in Gibraltar with a myriad number of entities that were in contact with the Government as a result of our announcing that we were not proceeding with the previous power station. We have discussed internally with those that advise the Government technically of where the best option for a power station should be. We have looked at the options that were looked at by the previous administration and why they were looking at those options and we have discussed with some of the parties that have raised the issue with us, some of the locations that *they* put to us and when they have asked us, some of the locations that were under consideration by the Government.

1630 **Hon. D A Feetham:** Mr Speaker, in its press release in relation to, which closely follows the actual official notice that came out, the Government talks about a land reclamation that would be necessary, in order, as part of this particular project. Can he tell me whether the land reclamation is to the north of the North Mole, or is it to the west of North Mole or both?

**Hon. Chief Minister:** To the west of the North Mole.

1635 **Hon. D A Feetham:** Mr Speaker, is he satisfied that this particular project is in no way going to be interfering with the approach flights for planes that are landing on Gibraltar Airport. Obviously, that is something that must have been considered but is that an imponderable or a variable that could potentially affect whether the Government goes ahead with this particular project or not?

1640 **Hon. Chief Minister:** Mr Speaker, as he would expect, we have satisfied ourselves of the fact that it will not interfere with a flight path, nor limpets nor spider crabs. *(Laughter)*

**Hon. D A Feetham:** I will follow Mr Speaker's ruling and attempt to keep the temperatures down.  
1645 Mr Speaker, does the Hon. the Chief Minister have a timeline in relation to the construction of the power station beyond the actual awarding of tenders later on this year. How long is it likely to take to build this particular project, which is obviously going to be a substantial one?

**Hon. Chief Minister:** Mr Speaker, I am tempted to refer the hon. Gentleman to the notice. The notice does set out what the period should be and that is eighteen months. If he has not seen it, it is in paragraph 1650 three of the notice.

**Hon. D A Feetham:** So the answer is eighteen months from the time that the tenders are awarded, not 1655 eighteen months from the notice. If the notice is clear in relation to that, I had not unfortunately seen it but I would appreciate clarification from the Chief Minister in relation to that.

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman should know how these things work. The 1665 closing date for the submission of tenders is 1st August 2013. The eighteen months do not run from then, they run from the awarding of the tender and the agreed mobilisation date, which is the completion process. In other words, when we agree that works must start, the clock starts to tick for eighteen months.

1660 **Hon. D A Feetham:** So then I have to, I am afraid, come back to my original question: it is eighteen months from the award of the tender. Can he tell me, more or less, from when he expects that eighteen month timeline to actually run? We know that close of tenders is in August. This can, of course, be quite a complicated process. I mean, it is a major, very substantial investment, certainly would have been the 1665 single biggest investment when we were in Government. I think the cost was about £150 million, the cost of the power station that we were proposing. So I am just really looking to see whether the Government expects to complete this power station prior to the next General Election or after the next general election, obviously, if elected.

**Hon. Chief Minister:** Mr Speaker, well that is much clearer.  
1670 The aim of the Government is to complete before the next General Election but, of course, it is within the gift of the Chief Minister to call an election sooner than contractors might expect and therefore I hesitate to put them on notice but it could happen at any time.

1675 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Chief Minister provide this House with an indication of how the addition of the power station west of the North Mole will interact with the cruise liner business at, effectively, the same location?

**Hon. Chief Minister:** It will not cause any difficulty whatsoever in respect of that matter, in the same 1680 way that we have ensured that the crustaceans that I referred to earlier have been considered and the flight path. Obviously, the issue of cruise ships has also been considered.

**Hon. D A Feetham:** Is the Chief Minister, just for the benefit of my hon. Friend, Mr Netto, is the 1685 Chief Minister saying – because I thought that he was just simply jesting – but is the Chief Minister saying that, in the context of the reclamation that might be undertaken on the west side of North Mole, that the Government has also taken into account, or conducted some form of environmental study as to the impact on, crustaceans and limpets and that sort of marine life.

**Hon. Chief Minister:** Mr Speaker, we have considered all of these issues. We have not yet done the 1690 studies necessary because when we consider them we have the benefit, in the inter-Ministerial Committee, of the man who *would* have carried out the assessment. We think we have a pretty clear idea of what the result will be. But, of course Mr Speaker, this, like all other Government projects will go – because there is a new dawn, and we do what we say we do – to the DPC. Therefore, of course, all of those issues will also be considered there and in public, Mr Speaker, not in private, as used to be the case 1695 before.

1700 **Hon. D A Feetham:** Mr Speaker, how realistic is it for the Development and Planning Commission, in an application, or even if it is advice and guidance in relation to this particular project, that it is capable of influencing this particular project? Really, you know this is – and we accept – a project of immense importance to this community and, again, it is a project that the Government appears to be committed to delivering for Gibraltar. At the end of the day, what I am concerned with here is about not paying just simply lip service to the Development and Planning Commission when the reality of the situation is that the Government really wants to pursue this particular project but, quite rightly, because it is important to this community, in the same way as it wants to proceed and plough ahead with the floating hotel.

1705 **Hon. Chief Minister:** Very realistic, Mr Speaker, because you see whereas, before, the project would not have gone to DPC, the decisions in respect of the project would have been made by the Government without going to the DPC, and the DPC then was private and would not be public, this will go to an open DPC meeting for guidance. Therefore, Mr Speaker, it is very likely that the DPC will, as usual, make important and relevant points because, you see, Mr Speaker, being inclusive and being prepared to listen to what the DPC says and what the public says does not mean that one has to abandon a project.

1710 You see, it is not if you go to DPC this is delay and this means there is no project... DPC meetings occur very often, the input provided from the Chairman down and the public, is positive, it informs the Government when it carries out projects. The projects do not have to stop: they progress and are better as a result of that process. That is why I commend to the hon. Gentleman that, now he has become Leader of the Opposition, he should change the policy of his Party, as set out by the previous Leader, and embrace the concept of a public planning process to which the Government should submit itself, at least initially, for guidance and subsequently to be bound, and eschew that the policy they pursued previously, and which was defended by the previous Leader of the Opposition, of going back to a less than open planning process which would not bind the Government... Mr Speaker, I think that the hon. Gentleman is in time to make that change, do the *volte face*. It will work wonders for him!

1715 **Hon. D A Feetham:** Well, Mr Speaker, does he not agree that perhaps it is preferable to adopt this approach, which is to accept that politics is about making and defending decisions and that you cannot be all things to all men? And does he not agree with me that this and, indeed, the other example, the floating hotel, is just precisely an example of that, of the Government really wanting to be all things to all men, when the reality is that people out there would respond to the fact that the Government would say ‘Look, this is a decision we are taking because it is in the best interests of Gibraltar and therefore it does not have to go to Planning because it is in the best interest of Gibraltar. So be it.’ But this is a half-baked, half-cooked procedure of going to the Development and Planning Commission for advice and guidance when no-one in Gibraltar actually believes that they will have any influence at all on the ultimate decision. Is that not correct?

1720 **Hon. Chief Minister:** No, Mr Speaker, it is not and I will tell him why it is not. The hon. Gentleman talks about being all things to all men but let me show him why that every time he says that it reflects on him.

1725 You see, Mr Speaker, they come here and they say it is very wrong that the *Sunborn* is a done deal and you should have gone through the process that you say that you subject yourself to and it is only a rubber stamp. Then they say you should make a decision and you should see it through. Well, Mr Speaker, we are doing exactly what we said we would do and we commend our policy to them but I am very heartened to see that I was wrong to think that the Party would move when the leadership changes. It is still exactly where it was.

1730 Being all things to all men, Mr Speaker, is saying that a Party is such a broad church that it involves right wingers and people on the centre left and people on the left. Mr Speaker, that is what led me to have to say to him at the last budget session, when he was not even Leader of the Opposition then, that he should re-evaluate his politics of left, right, left, right, because that will not ever get him anywhere.

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**Portable T60 turbines  
Cost of lease to the taxpayer**

1740 **Clerk:** The Chief Minister is going to be answering Question 434, together with Question 245, which was posed by the Hon. Mr Netto yesterday.

1745 Question 434, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state what the total cost has been so far to the taxpayer of the portable T60 turbines, or temporary power station, which the Government is leasing from Energy International?

1760 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** I will answer with Question 245.

1765 **Hon. J J Netto:** Mr Speaker, can the...

**Clerk:** That question was posed yesterday and the Chief Minister needs to answer, as in the prepared answer.

1770 **Hon. Chief Minister:** Mr Speaker, the relationship with Energy International is as set out in the publicly available Government Press Release 740/2012. Although that is publicly available information and I have no need to bring it to the House, for the hon. Gentleman's ease of reference, I now provide a copy of that press release to Members opposite.



HM GOVERNMENT OF GIBRALTAR  
PRESS OFFICE  
No.6 Convent Place  
Gibraltar  
Tel:20070071; Fax: 20043057

**PRESS RELEASE**

No: 740/2012

Date: 8<sup>th</sup> November 2012

**Security of Electricity Supply: The Short Term Solution**

- **New North Mole Temporary Power Station Announced.**
- **Immediate Reduction in Noise & Emissions in South District and Waterport.**
- **Oesco and MOD Power Stations to be shut down in silent hours.**
- **Waterport to reduce activity by up to two thirds in silent hours.**
- **Plans for a Permanent New Power Station to be announced in Next Quarter.**
- **Consultation on-going with relevant unions.**

In order to ensure security of electricity supply, HM Government of Gibraltar has entered into a two year arrangement (with the option to extend to three) with Energy International Inc of the USA for the supply of temporary electrical power using rental turbine power, dual fire generating sets that will allow the servicing of existing generating plant to be undertaken whilst increasing the resilience of the installed generating capacity. The units will be fuelled with diesel.

The turbine units will be installed at the north western end of the North Mole, away from residential areas.

These units operate on proven technology and are extremely reliable. They also incorporate "SoLoNox Low Emission Technology" which is considerably more environmentally-friendly compared to the diesel engine technology that has been used in Gibraltar for power generation for the last eighty years. The new temporary units will each provide up to five mega watts of generating capacity and are designed to run twenty four hours a day. The twelve skid generators imported by the previous administration (eight rented and four bought outright) were capable only of one mega watt generating capacity each and were not designed to be run continually. These skid generators may soon become surplus to requirements.

The Government envisages that the new temporary power plant will be fully operational by mid December 2012. This is just before the winter peak demand. The new facility will enable Government to improve security of supply during peak demand periods when power cuts have previously occurred as a result of a lack of generating capacity.

The advent of the new temporary power station will also, importantly, permit for variations in the operating regimes of all three existing power stations in Gibraltar resulting in an

overall lowering of emissions. In particular NOx emissions are predicted to reduce by 40 % per mega watt generated by the new temporary power plant immediately.

The aim is also to reduce the operational running of the power stations in the South District and in the Waterport area whenever demand allows during the silent hours, without comprising the security of supply. This will immediately massively lower the emissions and reduce the noise levels in these areas during these periods.

The Government of Gibraltar is also continuing to identify alternative ways of further reducing the emissions arising from the production of electricity in Gibraltar. To this effect Government is already working with Energy International on the fitting of Catalytic Reduction technology (known as "Scrubbers") to these turbines. The fitting of such scrubbers will further reduce emissions by another 97%. These will, however, have to be fitted at a later date due to design and availability issues that need to be resolved. The Government's first priority, however, has been to secure the reliability of electrical supplies for the winter peak demand and to service the existing engines to improve their reliability and performance, which in turn further increase security of supply and reduces emissions.

The Government of Gibraltar continues to engage with main players in the energy industry exploring alternative technologies to determine a permanent solution to Gibraltar's electrical needs. This solution must provide secure supply and massively reduce Gibraltar's carbon footprint.

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Chief Minister, Fabian Picardo, said: "As I have said previously, security of Gibraltar's electricity supply is one of the most important issues for my Administration. We have been working tirelessly on this issue in the past eleven months in an Inter Ministerial Committee and with our electrical, technical, environmental and financial experts. We are now ready to announce this excellent temporary solution that is designed to ensure security of supply – something which the previous administration's one mega watt skid generators demonstrably did not do. We have actually engineered a solution that gives this security whilst also reducing emissions hugely at first and even more so (almost to 1% of current emissions from the existing facilities) with "scrubbers" fitted."

"The good news is that the noise nuisance and pollution from all existing power stations in the South District and Waterport will be eliminated or very significantly reduced during silent hours and also to a lesser extent during the day."

"We are also working with the unions so that employees of these facilities are not victims of these changes or of the permanent solutions to be finalised shortly – but participants in it."

"The next step is to finalise our determination on the long term solution by the decision on what permanent power solution is to be chosen. Again environmental, noise and cost issues will be relevant alongside security of supply in the final determinations we have to make in this respect. At the same time, we are at a very advanced stage in the introduction of renewable energy sources from different types of technologies. These are the right decisions for our community and I am delighted to have led the Committee in its deliberations to date and going forward to the stage when we announce the permanent solution for power generation for the future."

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The total cost incurred to date in connection with the temporary power station from Energy International has been £1,698,445.93. In addition, costs totalling £258,000 have been incurred by the Gibraltar Electricity Authority in the preparatory site civil works, purchase of materials and high voltage grid reinforcement. Members should note that we are not 'leasing' a temporary power station, as the question implies, just the turbines.

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**Hon. D A Feetham:** Mr Speaker, can he just repeat the figure, what has been incurred so far, the £1 million, I just did not quite catch that £1 million and something?

**Hon. Chief Minister:** £1,698,445.93.

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**Hon. D A Feetham:** Yes, can the Chief Minister tell me how much of that actually relates to relocation of these particular engines to Gibraltar and how much this actually relates to the rental element of it, because presumably there must have been a cost in terms of relocation of the turbine engines to Gibraltar. I will tell you what I am trying to do. I am trying to calculate, eventually, project what the cost might actually be in terms of the rental over the period of time that it will take the Government to build the new power station.

1795 **Hon. Chief Minister:** Mr Speaker, I do not have that information in detail, with me, and in fact I believe that the contract does not envisage that there should be a cost other than the leasing cost, but there may be a mobilisation cost which is absorbed as part of the lease.

1800 I refer the hon. Gentleman to the answers I have given in this House before, I do not have them with me. I think I gave, either to the House or perhaps at the time that I was interviewed by the local media, an estimate of what the costs would be to run these sets per year and how that cost would change depending on how they were fuelled, whether they were fuelled with diesel or whether they were fuelled with gas and what the savings overall would be when they were fuelled with gas. He may want to refer to those if that is the information that he is seeking. It may be that it may have been something I said when he was not in the House at the time. I think this goes back to either the December, January or February session I believe I was answering questions from Mr Figueras but it may be that I was answering questions from an interviewer that same day.

1810 **Hon. D A Feetham:** Yes, Mr Speaker, I think that, I believe, that there is a fixed rental amount per month, and then there is a variable rental amount that depends on the actual usage. If I write to the Chief Minister, can he provide, because, of course... I am not sure whether the Government has actually disclosed what the fixed amount is per month, but will he disclose that if I write to him, and will he disclose the amounts that have been incurred per month, if I were to write to him? Is that something that he is prepared to provide me, or is it something that he considers to be of a commercial nature that he is not prepared to provide?

1815 **Hon. Chief Minister:** I do not consider it to be of a commercial nature and if the hon. Gentleman wants to write to me, then I can give him the information and see whether it is made up as he suggests it is, or not. Why is it that he thinks it is made up like that?

1820 **Hon. D A Feetham:** Because the same people that used to inform him now inform us in the Opposition. I am pretty sure that, in fact, that is the way that the arrangements are operating. If it does not, then it does not: he will say to me that is not the way that it is operating... But I am grateful to the Hon. the Chief Minister for informing me that he will provide the information if I write to him.

1825 **Hon. Chief Minister:** Thank you very much, Mr Speaker.  
Certainly if he writes to me I will give him the information, and I shall tell the people that used to inform me to stop informing him! *(Laughter)*

1830 **Mr Speaker:** Any other supplementary?  
Yes, the Hon. Mr Netto.

1835 **Hon. J J Netto:** Thank you, can I ask the Chief Minister whether, in terms of the contractual relationship, is it one which is direct between the Government and Energy International or if there is any intermediate company between the two?

**Hon. Chief Minister:** There is an intermediary between the two, Mr Speaker.

**Hon. J J Netto:** And the name of the intermediary company?

1840 **Hon. Chief Minister:** Gibraltar Mechanical & Electrical Services Company Limited, which is GMES, the Government wholly-owned company.

**Hon. J J Netto:** And is this a company that employs a number of people at the moment, or is it not?

1845 **Hon. Chief Minister:** Yes, Mr Speaker, he will recall that I talked to him about it yesterday. It is the company that was set up by his administration when the ISGS, which is what we call the MOD power station, was passed on to the control of the Gibraltar administration. It employs a considerable number of local people.

1850 **Mr Speaker:** Next Question.

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**Airport runway tunnel  
Update on Government plans**

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**Clerk:** Question 435, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister update the House on the Government's plans either for a tunnel under the runway or any alternative?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the re-design of the road and tunnel project is now complete. Preparation of the supporting tender and contract documents is ongoing. We are already at the pre-qualification stage of the tender process. The project team have also been involved in preparing the Government's case for the OHL litigation, as he might know.

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**Hon D A Feetham:** Mr Speaker, has the Government made a decision as to whether to continue with the plans for the tunnel under the runway or is the Government considering an alternative to, effectively, what were our intended plans?

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**Hon. Chief Minister:** Mr Speaker, the Government has gone out to tender to complete the tunnel, and I have said this to the House on a number of occasions and before he presses me further I think he should speak to the previous the Leader of the Opposition because he and I had a discussion about these issues and why it was relevant that he should not press me further.

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**Hon. D A Feetham:** Well, Mr Speaker, perhaps the Hon. the Chief Minister and myself can have the same discussion rather than just for myself to go to Mr Caruana.

**Mr Speaker:** Next Question.

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**Hon. Chief Minister:** Delighted to have that discussion, Mr Speaker.

I did not realise that they were not on such fluid speaking terms as they might have been before, but I realise the previous Leader of the Opposition is engaged in his private practice now.

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**Mr Speaker:** Next Question.

**Bizzy Bee Limited  
Provision of services to Government**

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**Clerk:** Question 436, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether Bizzy Bee Limited has been engaged, or is to be engaged, by the Government to advise it on construction, road works and machine hire?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has neither engaged, nor does it presently have any intention of engaging, Bizzy Bee Limited to provide any such advice to the Government. If the hon. Gentleman is referring to the copy of the *Chronicle* that suggested they did, it jumped out of the page at me and I immediately asked who on earth these people were and why it was that they felt they needed a trade licence to advise the Government.

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**Hon. D A Feetham:** Well, yes, it did, I have to say, jump out at me as well, that they were applying for a trade licence solely in order to advise the Government of Gibraltar on construction, road works and machine hire. I, in fact, then conducted a company profile search on this particular company and certainly one of the shareholders, I know, is a GSLP member, but I am not making any allusions in relation to that. What I am going to ask is so the Chief Minister can confirm that, in fact, there had been no discussions at all between any branch of the Government or any Government Department and this particular company in relation to the provision of advice to the Government on construction, road works and machine hire, and

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that it was just simply a moment of supreme optimism by this particular company to apply for a trade licence to do precisely that.

1920 **Hon Chief Minister:** Mr Speaker, I can confirm that entirely, and I will tell him more. What has happened after 8th December, is that the identity of people, whether it is of people who are supporters, members or activists of the GSLP or members, supporters or activists of the GSD, or of the PDP or of any other political party or persuasion is completely irrelevant to the consideration that the Government may make to whether they get contracts or not. So, the hon. Member likes to make allusions and then say he is making no allusions, he should rest assured that he need not make those allusions, although I can see exactly where he is going in the next Question.

**Mr Speaker:** Next Question.

1930 **Hon D A Feetham:** But I have not finished.  
Yes, was the Chief Minister aware that, in fact, in today's *Gazette* this particular company has now widened its application for a trade licence to include other things that were not restricted to advising the Government, because, of course, if this particular company had done anything other than advise the Government on any of those matters it would have been in breach of its trade licence? Is the Chief Minister aware that today, on the day that I am asking this particular question, there is a notice in the Gazette widening the ambit of the application for a trade licence by this company?

1935 **Hon. Chief Minister:** Not only am I aware of it, Mr Speaker, I have a copy of it, and the hon. Gentleman might like to know that, as a result of that advertisement that appeared and the enquiries that I made, the people who had placed the advertisement were told by the Trade Licensing Department that they had got it completely wrong, and I think the Trade Licensing Department gave them the advice that they needed in order to be able to advertise their services adequately, Mr Speaker.

1940 He will be delighted to know that the Trade Licensing Department is so proactive in the pursuit of ensuring that people comply with their obligations under the law, whatever political persuasion they may be from.

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**Government and Public Service employees  
Details since 10th December 2011**

1950 **Clerk:** Question 437, the Hon. D A Feetham.

1955 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister provide a list of (1) Civil Servants (2) GDC employees (3) Statutory Agency and Authority employees and Government Company employees that have, since December 2011, been transferred from the post that they occupied on 10th December 2011, giving a breakdown by entity, employee, post occupied on 10th December and the post transferred to?

1960 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** I will answer this Question together with Questions 438 and 439.

1965 **Clerk:** Question 438.

1970 **Hon. D A Feetham:** Can the Chief Minister provide a breakdown in respect of the number of (1) Civil Servants (2) GDC employees (3) Statutory Agency and Authority employees and (4) Government Company employees that have been employed in posts in those entities since 11th December 2011, excluding Future Job Strategy trainees?

**Clerk:** Question 439, the Hon. D A Feetham.

1975 **Hon. D A Feetham:** Will the Chief Minister give details of all persons, if any, employed by, or promoted to a more senior position within the Government, the GDC, or any Government Company, Agency or Authority without a public advertisement of vacancy followed by a selection board in 2012 and 2013?

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



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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand the hon. Member the schedules with the information requested.

ANSWER TO QUESTION NO. 437

CIVIL SERVICE

EMPLOYEE	GRADE	FROM	TO
1	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
2	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
3	TG1	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
4	HEO	EX MINISTRY OF JUSTICE	NO.6 CONVENT PLACE
5	PERSONAL SECRETARY	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
6	DIRECTOR OF CIVIL AVIATION	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
7	PERSONAL SECRETARY	EX MINISTRY OF JUSTICE	NO.6 CONVENT PLACE
8	SUPPORT GRADE BAND 2	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
9	SEO (EX GDC)	NO.6 CONVENT PLACE	EDUCATION FINANCIAL SERVICES GAMING TELECOMMUNICATIONS AND JUSTICE
10	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
11	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
12	MARKETING CO-ORDINATOR (EX GDC 3)	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
13	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
14	PTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL

Cont....

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
15	EO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
16	CLERK / WORD PROCESSOR	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
17	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
18	SEO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
19	TG1	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
20	SPTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
21	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
22	ASSISTANT BUSINESS SUPPORT OFFICER (EX GDC 2)	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
23	SEO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
24	EO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE

Cont....

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
25	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
26	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
27	PERSONAL SECRETARY	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
28	CLERK / WORD PROCESSOR	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
29	TYPIST	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
30	AO / TIMEKEEPER	HOUSING WORKS AGENCY	GHA
31	PTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
32	TYPIST	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
33	EO	FINANCE	PUBLIC TRANSPORT AND COMMERCIAL AFFAIRS
34	PTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
35	SEO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
36	HPTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
37	SPTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL

Cont....

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
38	LEGAL ADVISOR	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
39	SPTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
40	SUPPORT GRADE BAND 1	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
41	SUPPORT GRADE BAND 2 (EX GDC 1)	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
42	PTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
43	SEO	NO.6 CONVENT PLACE	FINANCE
44	AO	INCOME TAX	POST OFFICE
45	AO	MARITIME	GHA
46	HEO	HUMAN RESOURCES	GHA
47	AO	CULTURE	MARITIME
48	AO	INCOME TAX	CULTURE
49	AO	GIBRALTAR COURTS SERVICE	HUMAN RESOURCES
50	AO	GHA	HUMAN RESOURCES
51	HEO	GHA	MARITIME
52	AO	POST OFFICE	GIBRALTAR COURTS SERVICE
53	EO	TREASURY	YOUTH
54	AO	POST OFFICE	CULTURE
55	EO	PUBLIC TRANSPORT AND COMMERCIAL AFFAIRS	GIBRALTAR COURTS SERVICE
56	SO	NO.6 CONVENT PLACE	HUMAN RESOURCES
57	AO	GHA	INCOME TAX
58	AO	GHA	POST OFFICE
59	AO	TREASURY	GHA

Cont....

1985

GIBRALTAR PARLIAMENT, THURSDAY, 16th MAY 2013

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
60	AO	GIBRALTAR COURTS SERVICE	HUMAN RESOURCES
61	EO	EDUCATION	TRAINING
62	AO	EDUCATION	TRAINING
63	AO	GHA	PARLIAMENT
64	EO	NO.6 CONVENT PLACE	GIBRALTAR COURTS SERVICE
65	EO	HOUSING	E.U.I.D
66	EO	GIBRALTAR COURTS SERVICE	MINISTRY FOR TOURISM, PUBLIC TRANSPORT AND THE PORT
67	WORKS SUPERVISOR	HOUSING WORKS AGENCY	ENVIRONMENT
68	AO	GHA	HUMAN RESOURCES
69	WORKS SUPERVISOR	HOUSING WORKS AGENCY	EMPLOYMENT
70	AO	DSS	HUMAN RESOURCES
71	SEO	RGP	PROCUREMENT
72	ENVIRONMENTAL MONITOR	ENVIRONMENT	CULTURE
73	AO	YOUTH	MARITIME
74	AO	HOUSING	GHA
75	PERSONAL SECRETARY	DSS	GHA
76	AO	DSS	GIBRALTAR COURTS SERVICE
77	AO	GIBRALTAR COURTS SERVICE	HOUSING
78	AO	HOUSING	MARITIME
79	PERSONAL SECRETARY	CULTURE	HUMAN RESOURCES
80	TYPIST	NO.6 CONVENT PLACE	E.U.I.D
81	SGB1	TREASURY	E.U.I.D
82	AO	GIBRALTAR COURTS SERVICE	PRISON
83	SEO	PROCUREMENT	PUBLIC TRANSPORT AND COMMERCIAL AFFAIRS
84	SGB2	HUMAN RESOURCES	INCOME TAX
85	AO	GIBRALTAR COURTS SERVICE	TREASURY
86	CLASSROOM AIDE	CARE AGENCY	EDUCATION

Cont....

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
87	CLASSROOM AIDE	CARE AGENCY	EDUCATION
88	AO	FINANCE	PUBLIC TRANSPORT AND COMMERCIAL AFFAIRS
89	AO	TREASURY	POST OFFICE
90	AO	TREASURY	HUMAN RESOURCES
91	AO	POST OFFICE	TREASURY
92	PRIVATE PRINCIPAL SECRETARY TO THE CHIEF MINISTER	MINISTRY FOR EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE	NO.6 CONVENT PLACE
93	EO	NO.6 CONVENT PLACE	ENVIRONMENT
94	EO	DSS	GIBRALTAR COURTS SERVICE
95	EO	GHA	PROCUREMENT
96	EO	BUSINESS SUPPORT UNIT	EMPLOYMENT
97	AO	TREASURY	NO.6 CONVENT PLACE
98	AO	RGP	ENVIRONMENT
99	AO	GHA	MARITIME
100	HEO	CSRO	NO.6 CONVENT PLACE
101	EO	EMPLOYMENT	GIBRALTAR COURTS SERVICE
102	SGB1	NO.6 CONVENT PLACE	EMPLOYMENT
103	AO	INCOME TAX	GHA
104	AO	TECHNICAL SERVICES	GHA
105	EO	TREASURY	EMPLOYMENT
106	EO	DRIVING AND VEHICLE LICENCING	TREASURY
107	SEO	EMPLOYMENT	HUMAN RESOURCES
108	HEO	NO.6 CONVENT PLACE	PROCUREMENT
109	CLERK / WORD PROCESSOR	ENVIRONMENT	GHA
110	AO	INCOME TAX	ENVIRONMENT
111	AO (F/F)	DSS	DRIVING AND VEHICLE LICENCING
112	AO (F/F)	DSS	MARITIME

Cont....

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
113	EO	HUMAN RESOURCES	DSS
114	EO	EMPLOYMENT	DSS
115	AO (P/T)	RGP	GHA
116	AO	NO.6 CONVENT PLACE	TREASURY
117	PERSONAL SECRETARY	HUMAN RESOURCES	EMPLOYMENT
118	HEO	POST OFFICE	EMPLOYMENT
119	EO	HUMAN RESOURCES	TREASURY
120	EO	EMPLOYMENT	MINISTRY FOR EQUALITY, SOCIAL SERVICES AND THE ELDERLY

1990

CONTINUED ANSWER TO QUESTION NO. 437/2013

**GIBRALTAR DEVELOPMENT CORPORATION**

EMPLOYEE	GRADE	FROM	TO
1	IV	Ministry of Enterprise, Training and Employment	Post Office
2	II	Ministry of Enterprise, Training and Employment	Ministry of Culture
3	V	Ministry of Enterprise, Training and Employment	Treasury
4	III	Ministry of Enterprise, Training and Employment	Care Agency

**STATUTORY AGENCIES**

Housing Works Agency

EMPLOYEE	GRADE	FROM	TO
1	5 Craftsman/Painter	Housing Works Agency	GDC - Health & Safety Officer
2	6 Zoneworks Supervisor	Housing Works Agency	GDC - Health & Safety Officer
3	5 Craftsman/Plumber	Housing Works Agency	GDC - Grave Digger (48 hours)
4	6 Zoneworks Supervisor	Housing Works Agency	GDC - Cemetery Keeper (Acting)

Care Agency

EMPLOYEE	GRADE	FROM	TO
1	Counsellor	Care Agency	Employment Service

Borders and Coastguard Agency

Nil return

Culture and Heritage Agency

Nil return

(Cont...)

CONTINUED ANSWER TO QUESTION NO. 437

**STATUTORY AUTHORITIES**

Gibraltar Electricity Authority

Nil return

Gibraltar Health Authority

Nil return

Gibraltar Port Authority

Nil return

Gibraltar Regulatory Authority

Nil return

Gibraltar Sports & Leisure Authority

Nil return

**GOVERNMENT COMPANY**

EMPLOYEE	GRADE	FROM	TO
1	Chief Executive Officer	Gibraltar Air Terminal Limited	Gibraltar Tourist Board
2	Lorry Driver	Gibraltar General Support Services	Gibraltar Industrial Cleaners
3	Lorry Driver	Gibraltar Cleansing Services	Gibraltar Industrial Cleaners
4	Labourer/Refuse Collector	Gibraltar Cleansing Services	Gibraltar Industrial Cleaners
5	Labourer/Refuse Collector	Gibraltar Cleansing Services	Gibraltar Industrial Cleaners
6	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners
7	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners
8	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners
9	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners
10	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners

1995

ANSWER TO QUESTION NO. 438/2013

<u>ENTITY</u>	<u>NO. OF PERSONS EMPLOYED SINCE 11 DECEMBER 2011</u>
CIVIL SERVANTS	193
GIBRALTAR DEVELOPMENT CORPORATION	4

**STATUTORY AGENCIES**

Borders and Coastguard Agency	27
Care Agency	62
Culture and Heritage	1
Housing Works Agency	Nil

**AUTHORITIES**

Gibraltar Electrical Authority	8
Gibraltar Health Authority	143
Gibraltar Port Authority	2
Gibraltar Regulatory Authority	2
Gibraltar Sports & Leisure Authority	8

**GIBRALTAR COMPANY**

Gibraltar Bus Company	7
Gibraltar Strand Management Company	1
Gibraltar Defence Estates and General Services Limited	1
Gibraltar Air Terminal Limited	1
Gibraltar Industrial Cleaners	4 *

\* 1 Employee terminated October 2012

ANSWER TO QUESTION NO. 439/2013

CIVIL SERVANTS

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Senior Executive Officer	Senior Officer	
1	Senior Executive Officer	Assistant Human Resources Manager	
1	Personal Secretary	Senior Personal Secretary	
1	TG1	PTO	
1	TG1	PTO	
1	Fire Fighter	Head Mechanic	
1		Administrative Grade (re-engaged)	
1		Assistant Training Centre Manager	
1	New Entrant	Music Instructor (Part Time)	
1	Qualified Teacher	Educational Psychologist	
1	Library Resources Assistant		Library Resources Assistant
1	Supply IT Technician		Supply IT Technician
7	Female Prison Officer		Female Prison Officer
3	Postal Worker		Postal Worker
2	Supply Classroom Aide		Supply Classroom Aide
1	Executive Officer	Higher Executive Officer	

GIBRALTAR DEVELOPMENT CORPORATION

Nil return

STATUTORY AGENCIES

Borders and Coastguard Agency

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	SBCO		Training Manager
1	BCO	SBCO	

(Cont....)

2000

CONTINUED ANSWER TO QUESTION No. 439/2013

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
3	Craftsman Grade 5	Zoneworks Supervisor Grade 6	
1	Zoneworks supervisor Grade 6	Transport Equipment & Stores Manager Grade 7	
1	Storekeeper Grade 3	Stores Officer Grade 6	
1	Craftsman Grade 5	Transport Plant & Tools Officer	
1	Administration & Finance Officer	Administration & Finance Executive Officer	
1	Clerk Wordprocessor	Administration & Finance Officer	

Care Agency

Nil Return

Culture and Heritage Agency

Nil Return

AUTHORITIES

Gibraltar Electricity Authority

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Building Services Supervisor	Building Services Officer	
1	Technical Services Technician	Building Services Supervisor	
1	Electro Technical Technician	High Voltage and Protection Officer	
1	Distribution Officer	Customer Services Engineer	
1	Senior Engine Room Operative	Systems Engineer	
1	Technical Services Operative	Technical Services Technician	

Gibraltar Port Authority

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Port Officer	Senior Port Officer	
1	Seaman Mechanic	Coxswain	
1	VTS Operator	Port Officer	
1	Receptionist		Administration & Finance Officer

(Cont...)

CONTINUED ANSWER TO QUESTION No. 439/2013

Gibraltar Regulatory Authority

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Head of Regulation	Deputy CEO	
1	Radiocommunications and IT Manager	Head of Operations	
1	Head Of Satellite Services	Head of Satellite and Postal Services	
1	Accountant	Finance and HR Manager	
1	Electronic Communications Officer	Broadcasting and Regulatory Manager	
1	Co-ordination Administrator	Broadcasting Regulatory Officer	
1	Administration Officer	Postal Services Regulatory Officer	

Gibraltar Sports & Leisure Authority

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
2	Supply Admin. Assistant		Admin. Assistant
1	Vocational Trainee		Sports & Leisure Assistant
1			Assistant Pool Manager
3			Pool Operatives
1			Part-time Cleaner

Gibraltar Health Authority

Nil return

(Cont...)

CONTINUED ANSWER TO QUESTION No. 439/2013

**GIBRALTAR COMPANIES**

**Gibraltar Bus Company Limited**

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Admin	Manager	
1	Charge Hand	Manager	
1	General Operative	Admin	
1	Driver	Charge Hand	
1	Admin	Senior Admin	
1	Driver	Inspector	

**Gibraltar Car Parks Limited**

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Highways Enforcement Officer	Senior Highways Enforcement Officer	

**Gibraltar Air Terminal Limited**

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Chief Operating Officer	Chief Executive Officer	

**Gibraltar Mechanical and Electrical Services Limited**

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	D Grade (MMCO)	C2 Grade	

2005

**Hon. D A Feetham:** I will analyse it in due time, Mr Speaker, so we can move on to the next Question.

2010

**Gibraltar companies  
Use of Government addresses for registration**

2015

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

2020

**Hon. D A Feetham:** Can the Chief Minister please provide a list of companies that have first had, since 11th December 2011, No. 6 Convent Place, or the address of any other Government Department as their registered address, and no longer do so, identifying the following in respect of each of them: (a) name of the company, (b) registration number, (c) registered address, (d) name of directors and shareholders, and (e) the date of incorporation?

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

2025

**Chief Minister (Hon. F R Picardo):** I will answer this Question together with Question 441.

**Clerk:** Question 441.

2030

**Hon. D A Feetham:** Can the Chief Minister please provide a list of companies that, since 11th December 2011, have been, or are currently using No 6 Convent Place, or the address of any other Government Department as their registered address, identifying the following in respect of each of them: (a) the name of the company, (b) registration number, (c) registered address, (d) name of directors and shareholders and (e) the incorporation date?

2035

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

**Hon. Chief Minister:** Mr Speaker, I now pass the hon. Gentleman schedules with the information requested.

**ANSWER TO QUESTION 440**

**Companies originally incorporated at No 6 Convent**

**Place:**

First Gib Scaffolders Co. Ltd.  
Construction & Maintenance Co. Ltd.  
S J Builder Co. Ltd  
Sparks Company Ltd  
Sarah Jane Construction Co. Ltd.  
Economic Development & Employment Co. Ltd  
W & N Works Co. Ltd.  
Supported Employment Co. Ltd  
Garcia & Perez Construction Co. Ltd  
Rutherford Construction Co. Ltd  
Dream Homes Construction Co. Ltd  
Abilio Rodriguez Electrical Co. Ltd  
Construction Training Co. Ltd

2040

**Companies originally incorporated at 31 Town**

**Range:**

N C S Construction Co. Ltd  
J S Building Ltd  
Leisure Construction & Maintenance Company Ltd  
Leisure Centre & Management Company Ltd  
Rock Cleaning Services Ltd  
Liberty General Construction Limited  
ibuild Building Solutions Limited



**ANSWER TO QUESTION 441**

Company name	Regd Office	Directors	Shareholders
Gibraltar Investment (Holdings) Limited Company No. 33160 Incorporated 23 August 1989	206-210 Main Street	D D Tirathdas E Gomez	Government of Gibraltar Gibraltar Development Corporation
Brympton Co-Ownership Company Limited Company No. 46323 Incorporated 16 September 1992	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Residential Properties Limited
Gibraltar Commercial Property Company Limited Company No. 22184 Incorporated 20 May 1988	206-210 Main Street	D D Tirathdas E Gomez J Collado	Gibraltar Land (Holdings) Ltd
Gibraltar Community Projects Limited Company No. 58924 Incorporated 20 August 1996	206-210 Main Street	M Pecino E Gomez W Crisp D D Tirathdas	Gibraltar Investments (Holdings) Ltd
Gibraltar Co-Ownership Company Limited Company No. 45007 Incorporated 25 March 1992	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Residential Properties Limited
Gibraltar Industrial Cleaners Limited Company No. 35844 Incorporated 8 December 1989	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Ltd
Gibraltar Information Bureau Limited Company No. 28467 Incorporated 24 January 1989	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Ltd
Gibraltar Joinery & Building Services Limited Company No. 25860 Incorporated 28 September 1988	206-210 Main Street	M Estella W Crisp E Gomez D D Tirathdas	Gibraltar Investments (Holdings) Ltd
Gibraltar Land (Holdings) Limited Company No. 33181 Incorporated 23 August 1989	206-210 Main Street	D D Tirathdas E Gomez J Collado	Gibraltar Investments (Holdings) Ltd
Gibraltar Residential Properties Limited Company No. 41007 Incorporated 31 October 1990	206-210 Main Street	D D Tirathdas E Gomez J Collado	Gibraltar Land (Holdings) Limited
Gibraltar Bus Company Limited Company No. 89331 Incorporated 25 September 2003	206-210 Main Street	D D Tirathdas E Gomez D Garcia	Gibraltar Investment (Holdings) Limited
KIJY Parkings Limited Company No. 54236 Incorporated 30 January 1995	206-210 Main Street	E Gomez W Crisp D D Tirathdas	Gibraltar Land Holdings Limited
Westside Two Co-Ownership Company Limited Company No. 45483 Incorporated 27 May 1992	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Residential Properties Limited
Europa Incinerator Company Limited Company No. 73609 Incorporated 14 March 2000	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investment (Holdings) Ltd
Gibraltar Defence Estates and General Services Limited Company No. 97963 Incorporated 30 January 2007	206-210 Main Street	C Victory D D Tirathdas E Gomez	Gibraltar Investment (Holdings) Ltd
Gibraltar Mechanical & Electrical Services Limited Company No. 99257 Incorporated 3 August 2007	206-210 Main Street	D D Tirathdas M Gil M Alecio E Gomez	Gibraltar Investment (Holdings) Ltd
Kings Bastion Leisure Centre Company Limited Company No. 99436 Incorporated 12 September 2007	206-210 Main Street	D D Tirathdas J Hernandez E Gomez	Gibraltar Commercial Property Co Ltd
Gibraltar Strand Property Company Limited Company No. 99706 Incorporated 31 October 2007	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Commercial Property Co Ltd
Gibraltar Car Parks Limited Company No. 100204 Incorporated 30 January 2008	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Commercial Property Co Ltd

2045

Giblaundry Company Limited Company No 103826 Incorporated 25 March 2010	206-210 Main Street	D D Tirathdas M Gil E Gomez	Gibraltar Investments (Holdings) Ltd
Gibraltar Cleansing Services Limited Company No 103990 Incorporated 22 April 2010	206-210 Main Street	M Pecino W Crisp D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Ltd
Gibraltar General Support Services Limited Company No 103991 Incorporated 22 April 2010	206-210 Main Street	M Pecino E Gomez W Crisp D D Tirathdas	Gibraltar Investments (Holdings) Ltd
Gibraltar Air Terminal Limited Company No 103377 Incorporated 2 December 2009	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Ltd
GCP Investments Limited Company No 104101 Incorporated 17 May 2010	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Commercial Property Co Ltd
Waterport Terraces Management Company Limited Company No 101441 Incorporated 22 September 2008	206-210 Main Street	D D Tirathdas E Gomez J Collado	N/A
Cumberland Terraces Management Company Limited Company No 103763 Incorporated 12 March 2010	206-210 Main Street	D D Tirathdas E Gomez J Collado	N/A
Bayview Terraces Management Company Limited Company No 105455 Incorporated 15 February 2011	206-210 Main Street	D D Tirathdas E Gomez J Collado	N/A
Nelsons View Management Company Limited Company No 105456 Incorporated 15 February 2011	206-210 Main Street	D D Tirathdas E Gomez J Collado	N/A
Gibraltar Strand Management Company Limited Company No 105589 Incorporated 10 March 2011	206-210 Main Street	D D Tirathdas P Canessa E Gomez	Gibraltar Strand Property Company Ltd
Gibraltar Facilities Management Limited Company No 105588 Incorporated 10 March 2011	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Limited
GRP Management Company Limited Company No 107262 Incorporated 27 January 2012	206-210 Main Street	J Collado D D Tirathdas E Gomez	Gibraltar Residential Properties Limited
Economic Development & Employment Company Limited Company No. 107981 Incorporated 11 June 2012	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Development Corporation
Supported Employment Company Limited Company No. 108060 Incorporated 27 June 2012	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Graduate Research Development Company Limited Company No. 107147 Incorporated 10 January 2012	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Employment Training Company Limited Company No 107146 Incorporated 10 January 2012	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Gibraltar General Construction Company Limited Company No 102795 Incorporated 03 August 2009	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Construction Training Company Limited Company No 108622 Incorporated 11 October 2012	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Credit Finance Company Limited Company No 107372 Incorporated 17 February 2012	206-210 Main Street	D D Tirathdas C Victory E Gomez	Gibraltar Development Corporation Gibraltar Savings Bank
Gibraltar International Bank Limited Company No. 109679 Incorporated 23 April 2013	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Development Corporation
Gibraltar National Exploration of Minerals, Gas and Oil Company No. 109680 Incorporated 23 April 2013	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Development Corporation
Gibraltar National Mint Limited Company No. 109681 Incorporated 23 April 2013	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Development Corporation

*There was a short pause.*

2050

**Hon. Chief Minister:** Does he have it?

**Hon D A Feetham:** Yes, thank you.

2055 **Hon. Chief Minister:** Right. Mr Speaker, he will see that, in answer to Question 440, we have not been able to give registration number, registered address, name of directors and shareholders and the date of incorporation, because many of those companies are no longer with us at Government Offices but there are three which I draw his attention to, Economic Development & Employment Company Limited, Supported Employment Company Limited, and Construction Training Company Limited. Those are actually Government companies so we are able to give him the details of those. I have got company profiles here to give him of those three companies. He can have copies of them if he wishes, but I have only got one copy myself.

2060 **Hon. D A Feetham:** Mr Speaker, he said Economic Development & Employment Limited, Supported Employment Company Limited and –

2065 **Hon. Chief Minister:** Construction Training Company Limited.

**Hon D J Bossino:** Mr Speaker, I have a supplementary. Mr Speaker? (**Mr Speaker:** Yes.)  
2070 The three companies that the Hon. the Chief Minister has identified as being Government companies, can he confirm that these are all companies that participate in the Future Job Strategy Scheme. I recognise one, which is the Supported Employment Company Limited, I think is one, but I am not sure about the other two.

**Hon. Chief Minister:** They do participate in the FJS, Mr Speaker.

2075 **Hon. D A Feetham:** Mr Speaker, there are thirteen companies, or companies originally incorporated at No 6 Convent Place, and then there is a further seven companies originally incorporated at 31 Town Range.

The first supplementary is, 31 Town Range: can you just remind me, is that the annex to No. 6?

2080 **Hon. Chief Minister:** No, Mr Speaker, the annex to No. 6, I think is another address. This is opposite the annex to No. 6.

2085 **Hon. D A Feetham:** Sorry, is that the new offices now of the Minister for Employment or the old offices of the Minister for Employment?

**Hon. Chief Minister:** Mr Speaker, I would hardly describe it as new. Anybody who has seen the state of it would see that it is hard to describe as a new anything, but it is a place where the Minister for Employment and Inward Investment does some of his work, but it is not the ETB.

2090 **Hon. D A Feetham:** Mr Speaker, in relation to all these companies – seventeen – leaving aside Economic Development, Supported Employment and Construction Training Company Limited, are all these companies... do all of them continue to have a registered office at No. 6 Convent Place, or which ones of these continue to hold offices at No. 6 Convent Place? Does he have the information as to which ones continue? Or alternatively 31 Town Range?

2095 **Hon. Chief Minister:** As I understand it, Mr Speaker, the three that will continue to have No. 6 as a... well, in fact, not even No. 6 206-210 Main Street, Gibraltar, are the three I have referred him to, Economic Development & Employment Limited, Supported Employment Company Limited, and Construction Training Company Limited. The others either have 31 Town Range or are in the process of being moved out of 31 Town Range. None of them have No. 6 as their registered address at the moment.

2100 **Hon. D A Feetham:** Well, of course, we brought into the public domain Construction & Maintenance Company Limited, which was first, when it was incorporated, called ETB One, Now that was, until a month ago, at No. 6 Convent Place. It has since been moved out of No. 6 Convent Place, is what the Hon. the Chief Minister is saying and that the others have been moved out? Have the others been moved out subsequent to the exchange of press releases between the Government and the Opposition or was it before? Does he have that information?

2110 **Hon. Chief Minister:** That one, and the others, were in the process of being moved out before the exchange with the Opposition, as a result of my having seen that No. 6 was used as the address for the incubator and that my view was that it should not actually be No. 6 that was used as the address for the incubator.

2115 **Hon. D A Feetham:** Just so that I get this right, they have been moved out of No.6 Convent Place – the Chief Minister says that was in the process prior to the exchange – but they have been moved out of No. 6 Convent Place subsequent to the exchange of press releases. Correct?

2120 **Hon. Chief Minister:** No, Mr Speaker. I said what I said – before and after the exchange of press releases.

**Hon. D A Feetham:** Does he have the information as to how many before and how many after?

**Hon. Chief Minister:** No.

2125 **Hon. D A Feetham:** Can he at least tell me whether the majority was before or the majority after.

2130 **Hon. Chief Minister:** No, because I do not have the information. He has not asked me on what dates they moved. If he had asked me on what dates they moved, I might have tried to get the information, but it may not be possible for me to get the information because that may require a full search at Companies House and may not appear on the profile. He will know that profiles tell you what registered addresses are but it does not actually tell you when the registered address was changed. That would require a search of the file, which is something that is available to the general public.

2135 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Chief Minister tell me whether it was his idea to use No. 6 Convent Place as the registered address of these so-called incubators, or was it the idea of the Minister for Employment?

2140 **Hon. Chief Minister:** It was the idea of neither, Mr Speaker. The idea of the Party that won the election – the Parties that won the election – and put in their manifesto was as set out in the press release in which we answered the issues set out by hon. Members opposite, that there should be an incubator and, in the process of incorporating these companies for the incubator, *somebody* in the process of incorporation put down No. 6 Convent Place. He will see that, even when the Government incorporates companies, we do not actually use for Government companies No. 6 Convent Place as the address, it is 206-210 Main Street, but I assume that he supports the policy of assisting companies in this way and getting business back to work, as they used to say in another place, about a similar policy.

2145 **Hon. D A Feetham:** Yes, Mr Speaker, I do not accept for a moment that this has anything to do with incubating companies, I am afraid, and that that is a political excuse that the Government has come up with because it has been rumbled after our press release exposing ETB One as being one of the companies that was registered at No. 6 Convent Place. But can he identify, Mr Speaker, whose idea was it to register these companies at No. 6 Convent Place and whose idea was it to register a further seven companies at the ministerial address of the hon. Member to his left?

2155 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman says he does not want to make political points, then he talks about ‘not accepting’ that something that the Chief Minister has said – in other words suggesting it is not true – and talking about people being ‘rumbled’ which, of course, pejoratively, means that you are doing something which you should not be doing and are found out. Then he says, Mr Speaker, that he does not believe in Punch and Judy politics! As I told him before, Mr Speaker, if he does not believe in Punch and Judy politics, he should stop punching.

2160 But, anyway, Mr Speaker, it was neither the idea of the Chief Minister nor of the Minister for Employment and Inward Investment to use No. 6. I have explained to him what the circumstances of No. 6 being used were. The press release which was issued on the subject talked of ‘an administrative error’, but it *was* the idea of the Chief Minister and of the Minister for Inward Investment and Employment to use 31 Town Range, because we believe, contrary to *their* view, Mr Speaker, that it is right to incorporate these companies using a Government address, and to create that incubation process and to give life to people who wish to create companies in order to become self-employed and be able to work in their professions.

2165 Mr Speaker, we make absolutely no apology for it. It is the policy of this party. It is the policy of this Government. We think it is the right policy to put people in a position where they can carry out their professions in circumstances where they are not able to fund the incorporation of companies. In fact, Mr Speaker he might find that there are many governments that are doing exactly the same things, or very similar things, around the world and this is a very positive step forward.

2175 **Hon. D A Feetham:** So, Mr Speaker, the Chief Minister of Gibraltar does not think that there is anything right and, indeed, he believes... (**Hon. Chief Minister:** Wrong.) Is wrong, I beg your pardon –

2180 wrong – and he believes that it is entirely consonant with principles of good governance to have private companies, owned effectively by private individuals, registered at the address of Government Departments, with the provision of effectively nominee shareholders who are public servants acting as nominee shareholders – and I mean I do not know whether in relation to any of these companies, there is also the provision of nominee directors – he thinks there is absolutely nothing wrong with that? One supplementary.

2185 The second supplementary, which is my last: he does not think that there is anything politically, remotely politically, suspicious about the fact that Construction and Maintenance Company Limited, which is a company that was incorporated over a year ago, continued to have public servants as nominee shareholders and continues to be registered at No. 6 Convent Place – over a year – and that no-one knew about this particular incubator scheme until we raised it in our press release and the Government responded?

2190 **Hon. Chief Minister:** No, Mr Speaker, I do not think that there is anything remotely politically suspicious but I am given to believe, Mr Speaker, that those who accuse of paranoia being on this side of the House continue to suffer the same sort of paranoia on the other side of the House.

2195 Mr Speaker, the principles of good governance that we stand for are the ones that we demonstrate in everything that we do every day, much better than the previous incumbents, for this reason, Mr Speaker, in the time that we have been in office, we have not funded a party political newspaper to the tune of £150,000. In the time that –

**Mr Speaker:** This is really a matter which I consider to be irrelevant.

2200 **Hon. Chief Minister:** Mr Speaker, in the context of answering points which are party political and are made thrusting at the Government and our good governance record, in every parliament in the world I believe it is proper to reply with points which relate to when hon. Members were in government. But, if you would rather I did not, then I will not. I will not refer to their abysmal record on good government and will continue just with the bare answer on this point.

2205 What has happened, Mr Speaker, is that companies have been incorporated and for the period of incorporation have had a Government registered office and Government officers as shareholders. The minute that they are handed over to the person for whom they have been incorporated as part of the incubator process, they are then taken over by those individuals. In some cases, Mr Speaker, we are not dealing with individuals who deal with companies every single day of their lives and some administrative oversights have occurred.

2210 Mr Speaker, what is it that they think that they have ‘rumbled’? They have rumbled nothing. This is a good policy for our community. This is the right policy to get people to work, Mr Speaker, but as usual, hon. Members’ opposite seem to be against anything which reduces unemployment and which gets people to work. Well, we stand by what has happened. We believe it is the right policy. It will continue to happen for many years. When he carries out searches he might find that the people who he sees are behind these companies might even surprise him, Mr Speaker, and I commend to him another *volte face*, that he should adopt this policy as the right policy for our community. Not only is there nothing wrong with it, it is absolutely the right policy and it is in line with the clear view that this Government has of what is good government, adhering to internationally accepted principles – something which, if he would care to have the debate and put the motion, I would be delighted to debate with him with more cut and thrust than, perhaps, Mr Speaker is minded to allow, and perhaps rightly, during the course of Question Time.

2225 **Hon. D A Feetham:** Yes, Mr Speaker, can I ask the Chief Minister this: when was the scheme, this incubator scheme, actually announced so that people out there could take advantage of this very generous offer that the Government is making of incorporating companies, providing public shareholders? When was this incubator scheme announced publicly and can he point me in the direction of that publication, please?

2230 **Hon. Chief Minister:** Mr Speaker, I may not be able to give him the exact date because I cannot remember on what date we actually released our manifesto but I think it was roughly two weeks before the last General Election and then, of course, the minute that we were elected, the information was available in the ETB. He himself has referred to when these companies were incorporated and the information has been available there, certainly from 9th December, when we got our feet under our desks and the Minister for Employment and Inward Investment was at work. He will be delighted to know that even if he were to turn up now and seek to establish himself in a trade for which he may not be yet known – he may be a great carpenter, for all I know – he would be assisted also.

2240 **Hon. S M Figueras:** Mr Speaker, I have a supplementary which relates directly to the matters raised in Question 440 and that is that the original Question requested information in relation to directors, registration number, date of incorporation and shareholders information, which I cannot glean from the schedule that has been provided.

2245 **Hon. Chief Minister:** I fear the hon. Gentleman was not listening when I was giving the oral answer to that question.

I told him, Mr Speaker, that we are unable to give that information without ourselves carrying out profile searches at Companies House because, you see, these companies are no longer registered at these addresses and therefore we would have to be able to give that information because the companies are with us. They have now passed on to third parties, who may have changed shareholdings from what they originally told us they were going to change it to. We would have had to go to Companies House and obtain profiles and that is an exercise that hon. Members can do now that they have the company names. It is not information which, in order to be accurate, we can give you.

2250  
2255 It may be – but I do not know – that we might be able to give the names of shareholders and names of directors that we were asked to put down when the companies were transferred but that may not be the names of the directors or the shareholders today. Therefore, I refer the hon. Gentleman to the service available from Companies House so that if they obtain profiles they will be able to see which of these are some of them may still be in the process of the changeover.

2260 **Hon. S M Figueras:** Mr Speaker, will the Hon. the Chief Minister be happy to provide the information that they had available at the time when these companies were incorporated at either No. 6 Convent Place or 31 Town Range, for what that may be worth to the Opposition, upon request?

2265 **Hon. Chief Minister:** Well, Mr Speaker, when they were incorporated they were very likely just to have a Government address, a Government officer, and a Government shareholder. Does he mean when they first moved out?

2270 **Hon. S M Figueras:** Mr Speaker, when the Opposition first became aware of the information in relation to ETB One, I believe it was, the director was, in fact, *not* a Government officer and, for what it may be worth, if it is not too much hassle, then would the Government be able to provide us with that information, upon request, when they receive it.

**Hon. Chief Minister:** If we have it, Mr Speaker, but what I am telling him about ETB One, which he was told in our press release was that that was an administrative error, that somebody changed a director but not the rest of the information which had to be changed.

2275 The hon. Gentleman laughs! I do not know why it is that he laughs: he seems to have really a mind which imputes the worst to everyone. I trust that he does not want us to impute the worst to him, but perhaps one wishes to be dealt with as one deals with others.

2280 If we have the information, and the hon. Gentleman puts the question, then I will be delighted to give it to him but it may be that we do not have the information. That is what I am saying to him. We certainly do not have the information of what they are today with any level of accuracy.

**Hon. S M Figueras:** Mr Speaker, the Opposition will formulate the Question for the next session of Parliament in that specific respect and if the information is available, then it is. If it is not, then we will make enquiries as to why not.

2285 **Hon. D A Feetham:** Mr Speaker, just in relation to the last statement of the Chief Minister, it does really remind me of the words of Oscar Wilde: ‘Simply because I am paranoid it does not mean that they are not out to get me.’

2290 **Hon. Chief Minister:** Yes, Mr Speaker, except that I did not realise this was a poetry lesson and that the hon. Gentleman was supposed to get up to ask questions.

I am absolutely out to get him. He is absolutely right. I do not think he should ever become Chief Minister of Gibraltar and I will continue politically to strive to ensure that this Party remains here and he never makes it. But that is life!

2295 **Mr Speaker:** I take it that the Hon. Mr Bossino has a supplementary and not a clever remark (*Laughter*).

**Hon. D J Bossino:** Mr Speaker, a supplementary question and that relates to the scheme which the Hon. the Chief Minister has referred us to in this Parliament, where he says that all the information is

2300 available at the ETB. I raise this and would ask the question is whether he can confirm that all the details of the policy are available and whether, if I write, perhaps, to the Minister for Inward Investments and Employment, he will provide me with the detail of the policy because he also refers us, Mr Speaker, to what is in the manifesto and, I will quote. It is actually very basic information: it is only one paragraph and it reads:

2305

‘Investments will be made in small workshops and business units with admin support and tax/social insurance breaks to help encourage and nurture the setting up of new businesses. This will help foster entrepreneurship at all levels of our economy.’

2310

So you can understand that the detail which appears to be now unravelling before us in this Parliament – that the Government is actually providing incubator services with a registered office and directorships and shareholders – is not set out in the manifesto and I would ask him to confirm the information which I am asking him to confirm in this question.

2315

**Hon. Chief Minister:** Mr Speaker, this sets out the policy. What he is now talking about is how the policy has been implemented and I am delighted to be able to share that with him. In fact, I am working with the Federation of Small Businesses on exactly those issues and with the Minister for Inward Investment so, if he writes to me, I will be delighted to let him have the details.

2320

And again, I mean *he* actually, in my view, is a very talented lawyer but if he has other talents and wants to set up a small business then I would be delighted to recommend him to the Minister for Inward Investment, who knows him well enough himself to know he would make a good job of most things he turns his attention to.

2325

#### **Adjournment**

**Mr Speaker:** The Chief Minister.

2330

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn until Monday, 20th May at 3.00 p.m.

2335

**Mr Speaker:** I now propose the question, which is that this House do now adjourn until Monday, 20th May at 3.00 p.m.

I now put the question which is that this House do now adjourn until Monday, 20th May at 3.00 p.m.  
Those in favour? (**Members:** Aye.) Those against? Passed

This House will now adjourn until Monday, 20th May at 3.00 p.m.

*The House adjourned at 6.07 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.10 p.m.

Gibraltar, Monday, 20th May 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

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

**Clerk:** Sitting of Parliament, Monday 20th May, 2013.

**Mr Speaker:** Before we proceed with Questions, the Chief Minister has asked leave to make a Statement.

5 The Hon. the Chief Minister.

### 10 **Writ of Election** **Statement by the Chief Minister**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, with your permission, I rise to deliver a Statement of Information to the House.

15 Mr Speaker, a few moments ago I met with His Excellency the Governor, at the Convent, and advised him to issue a writ for an election to fill the seat vacated by the death of the Hon. Charles Bruzon. I advised His Excellency to issue the writ for that by-election to be held on 4th July. Importantly, Mr Speaker, the business of Government and of this Parliament will continue whilst the by-election process is under way.

20 That will, no doubt, make huge demands on the staff of the Parliament, because although this is not a general election we are now meeting monthly as a Parliament and that timetable will not be abated by the calling of this by-election. I understand that the timetable will require candidates to have signed nomination papers before noon on Thursday, 13th June.

I believe, Mr Speaker, that this is a historic occasion. With all the surviving Chief Ministers, elected



25 Members of this House today, or you as a Member of this House today, I believe it is true to say that this is the first time that a Chief Minister has come to this House from the Convent, having convened an election for a vacant seat, in the history of the by-elections held in our democracy. In doing so, Mr Speaker, I believe I am demonstrating that, where possible and relevant, the Government will seek to make statements of national importance in this Parliament.

30 Mr Speaker, an election, whether for one seat or for all of the seats in this Parliament, in other words whether a by-election or a general election, is an important democratic opportunity to test ideas, to consider political performance and to hear the voice and will of our people.

35 I trust that, in particular, given the tragic circumstances which give rise to *this* election, all those who contest the seat will do so in the spirit of presenting their policies and ideas to the electorate genuinely and honestly, presenting their respective visions for the future of our nation with tenacity but with respect and presenting always the best of each of themselves.

Our nation is an established and respected democratic tradition which, once again, comes to the fore today because, however tragic the cause of this election, the cause of democracy requires that we press on to hear the will and voice of the people of our nation.

40 Mr Speaker, I confirm that the Gibraltar Socialist Labour Party, which I lead, will in coalition with the Liberal Party present a candidate to fill the seat presently vacant. The selection process within the GSLP will start tonight at our AGM and our candidate will be presented to the electorate at the end of that process.

45 Finally, Mr Speaker, when I arrived this afternoon I found that the Clerk has facilitated to me a note from Mr Faulds in the Tynwald in the Isle of Man, who do our *Hansards*. In an email from him he says this: 'In noting the changes to the technical way in which we record our proceedings, may I say that the Hansard team has been shocked to hear of the sudden death of Mr Bruzon' and then he goes on to say 'who invariably managed to sound polite and understanding even during difficult debates.'

Mr Speaker, thank you for your indulgence in allowing me to make this Statement.

50

## Questions for Oral Answer

55

### TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

#### GibiBike parking stations

#### Potential safety hazard

60

**Clerk:** Answers to Questions continue.  
Question 210, the Hon. J J Netto.

65 **Hon. J J Netto:** Mr Speaker, is the Government aware that some of the parking stations for bicycles belonging to the Gibraltar Bus Company in various areas around Gibraltar have exposed electricity cables and metal rods lying on the ground, and that this is likely to be a safety hazard and if the Government is aware of this, when will it take steps to deal with this potential danger?

70 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the areas the hon. Gentleman refers to have already been made safe.

75 **Hon. J J Netto:** Mr Speaker, I am grateful to the hon. Member for that particular answer because, obviously, the sooner the potential hazard is removed the better to avoid any particular action, but could I quickly ask the hon. Member, because I am informed that at the particular bicycle station which is sited in the Port area next to the Coviran run supermarket that considerable members had seen on Saturday – Saturday 11th May at 10.00 o'clock at night – two particular workers, working with a van called Site Trading Limited, actually go to the bicycle station, put their headlights on and then started removing the cables and metal rods. Once they had finished all that particular work, they actually laid a concrete slab to finish the particular job.

80

Why do this kind of work on a Saturday at 10.00 o'clock? Has the Hon. Minister got an answer for that?

85 **Hon. N F Costa:** Mr Speaker, the specificity of that question would require notice. I would have no idea why a particular company would proceed to do works in a particular way at a particular time. Surely, the hon. Gentleman should be satisfied that having brought to my attention the fact that there were certain areas of Gibraltar that may not have been particularly safe, I moved immediately to make them safe?

90

**Bus advertising contract  
Details of tenders**

95 **Clerk:** Question 211, the Hon. S M Figueras.

**Hon. S M Figueras:** Yes, Mr Speaker, good afternoon.

100 Can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port provide this House with details of the offers of revenue made by tenderers for the advertising contract in respect of the buses prior to the award of the contract to Big Publications Limited during 2012?

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

105 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question Nos. 212 and 213.

**Clerk:** Question 212.

110 **Hon. S M Figueras:** Can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port provide this House with details of the level of advertising revenue being generated by Big Publications Limited to the Government since it secured the contract for administering advertising on the buses in 2012?

115 **Clerk:** Question 213.

**Hon. S M Figueras:** Can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port confirm the purpose for which a payment of £15,000 was made to Big Publications Limited in December 2012, described as, and I quote, 'Provision for Bus Advertising'.

120 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Hon. N F Costa:** Mr. Speaker, I will answer this question together with Questions 211 and 213.

125 **Clerk:** You now need to answer Question 21...

**Hon. H F Costa:** Yes, Mr Speaker, I will now hand over to the hon. Member a schedule in answer to Question No. 211/2013.

**ANSWER TO QUESTION 213**

**ANSWER TO QUESTION NO 211**

130

	Big Publications	FotoGraphiks	Sign- IT	ColorWorks
Offers of Revenue	Estimated maximum income to Bus Company	Estimated maximum income to Bus Company	Estimated maximum income to Bus Company	Estimated maximum income to Bus Company
	<b><u>£122,034.00</u></b>	<b><u>£54,000</u></b>	<b><u>£54,880.00</u></b>	<b><u>£86,400</u></b>

Mr Speaker, it is not appropriate for me to disclose, across the floor of the House, the specific profits or losses of a private company, even if that company has been contracted by the Government to provide a particular service. I will, of course, one year from the date that the Government entered into the contract

135 with Big Publications, be more than happy to indicate whether or not the Government has received the expected revenue as indicated in answer to Question 212/2013.

In answer to Question 213/2013, I confirm that upon commencement of the agreement Big Publications Limited received the sum of £15,000 to cover initial costs relating to the productions and installations of the advertisements. These costs have been paid back in full to the Gibraltar Bus Company Limited, as stipulated in the agreement.

**Hon. S M Figueras:** Thank you.

140 Mr Speaker, in relation to the point that the Hon. Minister makes about disclosing information about profits or losses, with respect to the Hon. Minister it is not what the question is requesting. It is requesting information in relation to the offers of remuneration, effectively, that the tenderers in the process had made to the Government, which are the basis of Question 211. I would ask the Minister whether their decision in that respect has precluded him for reviewing that particular information?

150 **Hon. N F Costa:** Mr Speaker, in respect of the question that he asked me as to the offers of revenue, I have answered the hon. Gentleman by providing him the schedule. I see that he accepts that I have... Therefore, in answer to the second supplementary, I am not sure whether he withdraws it in the light of the schedule that he has now seen?

155 **Hon. S M Figueras:** Mr Speaker, indeed I am happy to withdraw the supplementary. I had not actually noticed that the schedule dealt with specifically that information.

Another supplementary in relation to 211 was whether the Minister had been able to check if the process of procuring the services, the renewal of the contract or the awarding of a contract to Big Publications Limited, had been or the process as a whole, had been as a result of the termination of the existing contract. I will remind the Hon. Minister, to assist, that in a discussion with my hon. and Learned Friend Mr Bossino, the question had been asked and the Minister at the time was unsure of whether that had been the case, and he undertook to check that for this House.

160 **Hon. N F Costa:** Mr Speaker, *Hansard* will reflect that I did ask for specific notice of that question. It is not a question that has been asked. If he does ask, I will answer the question, but that is not the information that I have before me.

165 **Hon. S M Figueras:** Not to be petty, Mr Speaker, but I have a copy of the *Hansard* and he did not request notice of the question, particularly given the fact that it was a relatively straightforward matter. Be that as it may, Mr Speaker, it is something that I will pursue with the Hon. Minister after this session.

170 In relation to the payment of £15,000 that was made to Big Publications, I note the answer of the Hon. Minister that the £15,000 has now been paid back in full and that it was a payment to assist in relation to the initial start up costs of that entity. Can the Minister say whether this had been the case or whether the Government had had to provide any kind of financial support to the previous contractor, before the award of the contract to Big Publications Limited. (*Interjection*)

175 Yes, Mr Speaker, I will just repeat the supplementary. Could the Hon. Minister say whether his Government had needed to contribute financially to the contractor that was in place before Big Publications Limited in relation to the production of the advertising?

180 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman knows that if I have the information before me I always give it to him, but I do not know the answers to questions in relation to previous contracts entered into by the last administration. If he asks me the question, I will be more than happy to give it to him. If he writes to me or if he gives me notice of the question. I can answer questions about the current contract but I am afraid that I cannot enter into the specifics of the last contract.

185 **Hon. S M Figueras:** I am grateful to the Hon. Minister for his contribution. I will review the answer and the schedule and revert, if necessary, at the next session. I am grateful.

190 **Hon. D A Feetham:** Mr Speaker, I have the schedule in front of me – the answer to Question 211 – and it says ‘estimated income to the Bus Company’. Can the Minister explain how that is calculated as I understand with this particular answer there is no guaranteed income to the Bus Company. This was an estimated maximum income by each of the tenderers, but can he explain to the House how the income to the Bus Company is going to be calculated, in relation to the successful tenderer, please?

195 **Hon. N F Costa:** Yes, Mr Speaker, with pleasure.

Each of the tenderers had submitted the amount that they would charge per advert, where it is on the rear of the bus or on the side. The only tenderer that had submitted different prices depending on the

200 location of the adverts, differently to the other tenderers, from the supplementary information that I have  
before me, related to Big Publications. Without giving the name of any particular tenderer, there was one  
tenderer that cited, for instance, bus rear advert £300 per month – which came up to £3,600 a year – and  
side windows £250 per month – which amounted to £3,000 a year. In relation to Big Publications, which  
was the company that was awarded the contract, you had a much more sophisticated pricing structure: for  
instance, bus rear advert, £4,000; bottom side banner, £1,000; top side banner, £1,000; entrance mat,  
205 £750; entry doors, £1,000... and it carries on and catalogues how the company intends to charge and  
therefore generate the revenue for the Bus Company. Of course, like the hon. Gentleman rightly says, it is  
an estimate of maximum revenue annually for the Bus Company.

210 **Gibraltar Bus Company withdrawal of court action  
Compensation paid to Mr Sardeña**

**Clerk:** Question 214, the Hon. S M Figueras.

215 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Minister for Tourism, Commercial Affairs,  
Public Transport and the Port say whether any compensation has been paid to Mr Peter Sardeña in respect  
of the Gibraltar Bus Company's withdrawal of its defence in respect of his unfair dismissal claim.

220 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the  
Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr  
Speaker, the claim has not progressed to a final hearing.

225 **Hon. D J Bossino:** Mr Speaker, I think the position is that it is the compensatory element of the claim  
which still requires determination by the Industrial Tribunal. Perhaps the Minister can confirm whether  
that understanding is, in fact, correct. Secondly, Mr Speaker, I would like to ask the Minister whether he  
has any indication from the Government lawyers as to when they expect that the hearing will take place.

230 **Hon N F Costa:** Mr Speaker, on the last occasion that, or perhaps not the last, but the second last  
occasion, when the hon. Gentleman asked me questions about this case, I particularly made the point that  
the matter is *sub judice* and that I will not be entering into the realm of answering *any* matters relating to  
the case.

235 As to when the case will be heard, there is a tentative date of when the next hearing will be, but I am  
not in a position to tell him what exactly the matters are that will be determined.

**Hon. D A Feetham:** Mr Speaker, but surely it is a matter of public record that, in fact, the  
Government withdrew its defence to the unfair dismissal claim so that, therefore, without going into any  
of the facts of the case – we are not asking that – what we are asking is, is it not the case that all that  
needs to be determined is just simply the quantum of any damages and compensation payable. Nothing  
240 else, that is the...

245 We are not asking, with respect, the Hon. the Minister to actually overstep the line into any discussion  
of any of the details of the case. All that has been asked is whether just simply quantum of damages and  
quantum of compensation needs to be determined and a timeframe in which the Minister believes that that  
will be, in fact, be determined.

**Hon. N F Costa:** Mr Speaker, as I already mentioned, the matter was fully ventilated during the  
course of a question and answer session, as to when I expect the matter to conclude, hopefully during the  
course of this year.

250 **Hon. S M Figueras:** Mr Speaker, one final supplementary.

Just for the sake of clarification, can the Hon. the Minister say whether his first answer – I will give  
the Hon. Minister the opportunity to listen to the supplementary – could the Hon. Minister say whether  
his first answer means that no payment has been made to Mr Peter Sardeña?

255 **Hon. N F Costa:** Mr Speaker, the Question specifically asks whether there has been, and I shall read  
it, so as not to make a mistake: 'whether there has been any compensation paid to Mr Peter Sardeña as a  
result of the unfair dismissal claim'. The answer is that the matter has not yet progressed to a final  
hearing, so surely it is implicit in my answer what the answer is. But the matter is *sub judice* and he

260 should not be asking me any further questions.

**Hon. S M Figueras:** Mr Speaker, subject, of course, to what the Hon. Minister is saying about the matter being *sub judice*, I have to disagree with him that the answer that he has provided actually answers the question, and that is whether any compensation has been paid, whether on an interim basis or otherwise. The answer that the Hon. Minister has given is that the matter is yet to go to hearing, and whilst the Hon. Minister may say that it is implicit in the reply that no payment has been made, I am asking the Minister the question for his confirmation in explicit terms.

**Hon. N F Costa:** Mr Speaker, I practised employment law humbly for nine years and never once have I ever heard of an interim payment being made before a final adjudication on quantum.

**Hon. S M Figueras:** Sorry, but can the Hon. Minister confirm that no payment has been made, then?

**Hon. N F Costa:** I have already exhausted the answer to the Question, Mr Speaker.

275

#### **Gibraltar bus fleet Update on replacement**

280 **Clerk:** Question 215, the Hon. S M Figueras.

**Hon S M Figueras:** Yes, Mr Speaker, can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port provide this House with an update in respect of the replacement of Gibraltar's bus fleet?

285

**Clerk:** Answer, the hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Procurement Office Tender Board met recently to consider the tender for the procurement of eco-friendly buses. At present the tender is at stage two. Buses are being tested for suitability throughout the Gibraltar road network and an evaluation process is ongoing.

290

**Hon. S M Figueras:** I am grateful to the Hon. Minister for his answer in that regard. I wonder whether perhaps the Minister might be able to give us an indication as to how long he might anticipate the process to take from this stage. I understand that it will be subject to a number of factors, but any indication at this stage would be helpful.

295

**Hon. N F Costa:** Well, Mr Speaker, I will provide him with the supplementary information that was provided to me by the Tender Board and that may assist us both in making an educated estimate. The Procurement Office has met on various occasions, the last time being on 29th April, to decide on the tests to be undertaken by the buses that have been brought over to date.

300

The tender procedure is still ongoing and, of course, as I have said in the answer, the Government is testing potential vehicles.

A prospective vehicle was tested last week, last week as at the date that the answer was drafted, and other vehicles are expected to be tested within the next couple of months. After all the vehicles have been tested, an expert technical report is submitted. The Procurement Office will then make a recommendation to Government.

305

310

#### **GPS-enabled tracking device on taxis Update on installation**

**Clerk:** Question 216, the Hon. S M Figueras.

315

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port say whether the installation of a GPS-enabled tracking device on Gibraltar's taxis has now been completed and how the Government expects that this will alleviate the issue of availability of taxis at Gibraltar Airport at peak times?

320

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

325 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the installation of the new meters, which incorporate a GPS tracking device, has been almost entirely completed, although they are not yet in service, pending completion. The meter will be fully operational once the calibration service that has been tailor made to meet Gibraltar's requirements is complete.

330 Due to the fact that these newly incorporated taxi meters are a modern and reliable dispatch system, Government is confident that good communications between the vehicle and a central office will go a long way to alleviate the availability of taxis not only to the Gibraltar Airport but all around Gibraltar.

For instance, this booking system is optimised to automatically assign jobs to the nearest vehicle. It even looks into the future, by analysing each vehicle's job queue: the system is capable of determining which vehicle will be closest at the scheduled time of pick up.

335 Moreover, the installation of these newly incorporated taxi meters will also allow all the vehicles' job details to be tracked.

**Hon. S M Figueras:** Yes, Mr Speaker, I am grateful to the Hon. Minister for that.

340 I have a number of supplementaries that I am going to be asking, but they are going to arise in the context of other Questions along the Order Paper and it would probably be best to take it in the next Question.

345 **PSV access to airport/border  
Alternative during peak times**

**Clerk:** Question 217, the Hon. S M Figueras.

350 **Hon. S M Figueras:** Yes, can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port say whether the Government is exploring access options for public service vehicles to the area of the airport/border for use during peak times as an alternative to the current runway crossing?

355 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

360 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Government is considering a number of such options.

**Hon. S M Figueras:** Can the Hon. Minister say how far along in this exploration of options the Government is, and is he at liberty to provide this House with some details of what it is that they are looking at.

365 **Hon. N F Costa:** Mr Speaker, at this point I would only like to say that there has been some extensive consultation with different operators, different interested parties, Gibraltar Federation of Small Businesses, the Chamber of Commerce: they all, of course, have an input and a stake into considering this matter. I would not at this point like to give any details because the matters discussed have been extensive and we are not in a position to firm up any of the options that have been discussed.

370 Perhaps, if the hon. Gentleman wishes to ask me this question in a couple of sessions' time, we may be able to be more accurate or fuller in the answer.

375 **TRAFFIC, HOUSING AND TECHNICAL SERVICES**

**User and trip survey  
Timetable for completion of Mott Macdonald Report**

380 **Clerk:** Question 318, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical

Services say whether the Government has established a timetable for the completion of the Report by Mott Macdonald following the conclusion of the user and trip survey underway in Gibraltar?

385

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the first draft of the sustainable traffic, transport and parking plan is expected to be completed in late 2013 for internal review. It is expected that the final version of the plan will be ready during the first quarter of 2014.

390

**Hon. S M Figueras:** Mr Speaker, can the Hon. Minister confirm whether the Report will be published?

395

**Hon. P J Balban:** Mr Speaker, the Government will publish the Report once it is completed.

**Hon. S M Figueras:** In relation to the survey that is currently underway, some concerns have been expressed to us by constituents about the manner in which it is being conducted. The comments have been limited to saying that constituents have been pulled over when they were on their way to work and that they were, and I quote, 'being harassed' in respect of the survey. Is the Minister able to say whether this, in fact, has been the case or what the MO has been in that context during the survey?

400

**Hon. P J Balban:** What people feel when they have been pulled over is very much up to the individual, whether they feel harassed by having been pulled over or not. Obviously, the actual surveys have been conducted in the way that the consultants conduct the surveys world-wide, as to the best practice, and people are not obliged to have to give any information if they do not wish to.

405

All that happens is that they are briefly pulled over to one side, some of which do not even say 'Look, I am in a rush and continue.' You know, the survey literally takes minutes – in fact, it takes a minute! As to being harassed, personally I sincerely think not.

410

**Hon. S M Figueras:** I would say to the Hon. Minister that it is only in relation to the fact that they actually do get pulled over first thing in the morning when they are heading to work, that they consider they are getting harassed.

415

More generally in relation to the survey, is that now complete or is that still underway?

**Hon. P J Balban:** The survey phase is programmed to be finished the first week of June.

**Mr Speaker:** Next Question.

420

**Hon. D J Bossino:** Mr Speaker, just to understand this: in terms of the stages, by the first week of June, the user and trip survey is expected to be finalised and the Minister has advised this House that he expects to receive, internally, the Report in October of this year, I think he said, or at the end of this year. Are there any stages, anything else, any activity which needs to be undertaken by the Government between the closure of the user and trip survey and the production of the report internally to the Government?

425

**Hon. P J Balban:** Mr Speaker, now begins the process of actually taking all that data that has been collected, which is a vast amount of data that has been collected by different methods of survey, and all that data will then be used to collate the Report. So now we come into the biggest part of the process, if you so wish, which is the sorting out of data and from there preparing a recommendation as to where we go from here.

430

**Hon. S M Figueras:** One final supplementary, Mr Speaker, if you will allow it.

435

I have personally in this House commended the Minister in respect of the initiative in relation to the traffic lights at the junction of Europort and Queensway, as an initiative taken by the Government outside the scope of the user and trip survey and my question to the Hon. Minister is this: given that there is some time still for the completion of this survey and certainly eventually for the implementation of whatever plan may arise from it – are the Government's plans for development and infrastructural implementation of solutions that they are aware may be relevant today, are those plans on hold pending completion of this survey and the plan that will follow it?

440

**Hon. P J Balban:** Mr Speaker, things that are seen as urgent have been tackled as, for example, the lights in question. There are other things like speed ramps perhaps that could be considered urgent and

445 they will not wait for the outcome of the plan itself. But, obviously, to have contracted consultants to give  
us advice and for us not to wait to be able to heed their advice before we progress in the bigger light of  
things, I think that would not be recommended. So, as I said, the plan will give us ideas and give us a way  
forward generally but the actual consultants review will not stop us from continuing with what we are  
450 doing at present if we feel it is urgent or necessary.

**Mr Speaker:** Next Question.

455

**Improving road safety for cyclists  
Advanced stop lines and riding in non-pedestrian areas**

**Clerk:** Question 319, the Hon. S M Figueras.

460

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical Services state the Government's policy in relation to the use of advanced stop lines for cyclists on our roads to improve safety for the growing number of cyclists on our roads?

465

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Question 320/2013.

470

**Clerk:** Question 320.

475

**Hon. S M Figueras:** Can the Hon. the Minister for Traffic, Housing and Technical Services state the Government's policy in relation to the use of bicycles on non-pedestrian sections of Main Street and Irish Town during off peak periods and at weekends to improve the safety and incentivise the adoption of cycling as a means of alternative transport as well as a leisure activity.

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

480

**Hon. P J Balban:** Mr Speaker, the sustainable traffic, transport and parking plan will look at ways of encouraging alternative forms of transport, including cycling. It is, however, too early to say what Her Majesty's Government policy will be in this respect and what measures will be necessary to implement these.

485

**Hon. S M Figueras:** Mr Speaker, a number of non-Governmental organisations – one in particular springs to mind in town without my car – has, over the years, made certain recommendations in relation to advancing the use of bicycles as an alternative form of transport in Gibraltar. Can the Minister say whether there are any red lines in the sand beyond which they will not go, whether there are any initiatives which they will simply not entertain, whether they are recommended or not – in particular, whether either of these two falls within that category?

490

**Hon. P J Balban:** Mr Speaker, in terms of cycling, the Government, as we know, are very keen on encouraging a shift towards alternative forms of transport and the Government will look at different ways of making this possible and go beyond simply just ordering and placing bikes on stands and no more. We will be looking at every method possible to encourage the decreased use of cars and other forms of vehicles that produce emissions and, obviously, cycling is one of these that we are keen to look at.

495

**Hon. S M Figueras:** I am grateful for that but can the Minister limit himself to saying whether either of the two initiatives mentioned are off the cards, so to speak?

500

**Hon. P J Balban:** Mr Speaker, until we get the results from the traffic plan the consultants have been briefed as to where the Government wants to go and, as I have said already, the Government wants to encourage a shift in transport to other more environmentally friendly methods, inclusive of cycling. So it is not until we get a full idea back from the consultants we will be in a position to actually state where we go from here. Needless to say, the Government is looking at different ways of making the cycling experience more enjoyable and safe in Gibraltar.

505



**Trafalgar Interchange  
Possibility of pedestrian crossings**

510 **Clerk:** Question 321, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Hon. the Minister for Traffic, Housing and Technical Services say whether the Government is contemplating the installation of pedestrian crossings within the Trafalgar Interchange?

515 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the sustainable traffic, transport and parking plan will carry out a comprehensive assessment of Gibraltar's transport network and consider what improvements can be made. It is too early to say what these will be but the possibility of introducing new pedestrian crossings in the Trafalgar interchange area cannot be discarded.

525 **Car parking spaces at Commonwealth Parade  
Number prior to work on Commonwealth Park**

530 **Clerk:** Question 322, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical Services say how many car parking spaces were available at the site of the Commonwealth Parade prior to works on Commonwealth Park commencing?

535 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, there were a total of 342 existing car parking spaces at the site of the Commonwealth Parade prior to works on Commonwealth Park commencing.

540 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister tell us how far along the Government is in delivering its Manifesto commitment to doubling that number of parking spaces?

545 **Mr Speaker:** Will the hon. Member ask that question again, please, because I am not sure whether it really does arise from the written Question.

**Hon. S M Figueras:** Mr Speaker, yes, I am happy to ask the question again. The number of car parking spaces –

550 **Mr Speaker:** You have asked how many car spaces...

**Hon. S M Figueras:** – there were before the start of Commonwealth Park – correct – and that is relevant, Mr Speaker, because there is a Manifesto commitment to *double* the number of parking spaces available.

555 **Mr Speaker:** And you have been told that there were 342.

**Hon. S M Figueras:** Correct, and my supplementary was –

560 **Mr Speaker:** I understand the question now. Your supplementary.

**Hon. S M Figueras:** Is how far along is the Government in delivering its Manifesto commitment of doubling the number of car parking spaces?

565 **Mr Speaker:** I am sorry, I will pull that supplementary out. It does not arise from the Question. I have brought the Members' attention to the rules. A supplementary question must not introduce matter not included in the original Question. That is not included. You have asked a specific Question: how many car spaces were there, and you have been given the answer, 342. Now you are introducing

570 something which is new. It is not in your original Question, therefore I rule it out.  
Next Question.

**Hon. S M Figueras:** Mr Speaker, with respect I could re-phrase the Question and that may help to –

575 **Mr Speaker:** I will let you try to re-phrase the question. Yes, go on.

**Hon. S M Figueras:** Mr Speaker, could the Hon. Minister provide this House with details of the number of car parking spaces that have been provided in the alternative, having lost those parking spaces to the commencement of works on Commonwealth Park.

580 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I am asked precisely that question in one of my questions further down in the order paper.

**Mr Speaker:** Next Question.

585

**Parking at Catalan Bay  
Additional spaces for bathing season**

590 **Clerk:** Question 323, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical Services say whether additional parking for Catalan Bay is planned to be provided before the start of the bathing season?

595

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

600 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, there are currently no plans to provide additional parking at Catalan Bay over and above those which existed last year.

**Highways Enforcement Agency  
Role in traffic and parking management**

605

**Clerk:** Question 324, the Hon. S M Figueras.

610 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing, Health & Safety and Technical Services state the Government's policy on the Highways Enforcement Agency's continued role in assisting the relevant authorities in the management of parking and other road traffic issues today and in the future?

615 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the Highways Enforcement Agency has for some time been seconded to the RGP and is a key component in traffic management.

620 Working singly and alongside RGP officers, they perform a whole host of services, including enforcement of the Traffic, Parking and Waiting Order, enforcing the Traffic Act, clamping and towing away of vehicles, including abandoned and derelict. In addition, they assist the RGP with traffic control at both public events and with the border queues. Their future role will be reviewed in line with the recommendations arising from the Government's Traffic Survey, which is in the process of being compiled.

625

630 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer. Perhaps he can provide some clarification to report... I have not seen official press releases on the subject but I am given to understand that part of the review, or a review, had already been conducted that had seen some changes affected to the Agency. If this is not the case, I am happy to be corrected certainly and if it is, then I would be grateful for some details of that review, if it has happened.

**Hon. P J Balban:** Mr Speaker, I must clarify that the actual... the hon. Gentleman is asking about the Highways Enforcement Agency.

635 The Highways Enforcement Agency does not exist: there is no such Agency. These are Highways Enforcement Officers who came under Gibraltar Car Parks Limited and now they are seconded to the Royal Gibraltar Police. The Royal Gibraltar Police are in charge, or responsible, for the officers and they are briefed and conduct duties as given by the RGP and not by Gibraltar Car Parks.

**Hon. S M Figueras:** I am grateful, Mr Speaker.

640 That is, in fact, what I was referring to and, yes, the use of the term 'Agency' was accidental. So the officers have now been seconded to the Royal Gibraltar Police, as the Hon. Minister has told us. As a result of what initiative or factors was this change effected?

645 **Hon. P J Balban:** Mr Speaker, they have in fact been seconded for quite a while, I believe it was sometime in June last year that they were seconded. The idea behind it was to try to actually combine all, to have the enforcement of traffic under one umbrella, as opposed to having the parking management on one side, RGP on the other, so we thought it was a much more effective way of running management under one umbrella.

650 **Hon. S M Figueras:** Mr Speaker, I potentially run the risk here of having my supplementary overruled as inadmissible but I will ask it and take Mr Speaker's guidance on it. Were there any changes to terms and conditions associated with this re-allocation to the Royal Gibraltar Police of the officers?

655 **Hon. P J Balban:** Mr Speaker, this is a secondment, so the terms and conditions have remained identical.

**Hon. D J Bossino:** Mr Speaker, other than the secondment, can the Minister advise this House whether there were any other features which distinguish what was GSD policy when we were in Government?

660 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, we assume that we know what GSD policy was, based on what was public, but we do not know what it was that the thinking behind the creation of those Highways Enforcement Officers was, other than what was made public.

665 But there is a major difference in policy, Mr Speaker. We believe in one unified command of traffic and that comes under the RGP, not that there should be two diversified centres of command of traffic.

**Mr Speaker:** Next Question.

670 **Frontier traffic management  
Response to Spanish policy**

**Clerk:** Question 325, the Hon. S M Figueras.

675 **Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for Traffic, Housing and Technical Services say whether the Government is exploring, or has explored, in conjunction with the Royal Gibraltar Police and Highways Enforcement Officers the possibility of developing a system or protocol to divert queue traffic and/or streamline the deployment of the third lane in the area of the frontier/runway crossing/Winston Churchill Avenue to enable a quicker response to the now well-documented strategy employed by Spanish frontier officials of freezing traffic going through the border without warning.

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

685 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, a tried and tested traffic diversion is in place to deal with the impact of traffic fluidity created by the border queues. The diversion is subject to a staged response and this is dependent on the volume of traffic on our roads and the restrictions in place at the frontier. The three phases are designed to seamlessly interlink and maximise traffic fluidity towards the frontier while catering for local traffic.

690 Phase 1 consists of the implementation of the third lane up to the Sun Dial Roundabout. This phase can be implemented in a very short time period with signage permanently available at the frontier. Queuing can take place across the runway but only when the Airport is closed.

Phase 2 consists of diverting Spain-bound traffic along Devil's Tower Road with a single carriage

way being dedicated to this. In this phase, traffic is asked to turn around at the Ariel Farm Roundabout.

695 Phase 3 incorporates the use of holding areas in the East Side. Season permitting, the diversion  
extends to make use of the reclamation area and Eastern Beach Car Parks. Clearly, this cannot be used  
during the summer season and, therefore, following a consultation and feasibility process between the  
RGP and Government Technical Services Department, a plot of land situated on the southern side of the  
700 reclamation area by the approaches to Catalan Bay has been identified as a holding area. It is envisaged  
that this area has the capability of accommodating approximately 600 vehicles and works are scheduled  
within the next week and the area should become operational within a fortnight after this.

705 **Dudley Ward Way tunnel**  
**Protection of pedestrians**

**Clerk:** Question 326, the Hon. S M Figueras.

710 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic, Housing and Technical Services say  
whether the Government is considering strategies to protect pedestrians in Dudley Ward Way tunnel?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

715 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the  
Government is currently not considering any strategies to provide pedestrian access along Dudley Ward  
Way tunnel. In this respect, the tunnel remains exactly as on 8th December 2011.

720 **Hon. S M Figueras:** Mr Speaker, the Question is asked in the context of being aware that no  
pedestrian access is allowed in Dudley Ward Way tunnel. Certainly, the signs have been there, and have  
always been there, since the tunnel reopened.

725 However, the reality is that pedestrians do access the tunnel and, in that context, it may well be that  
the Government's answer to the supplementary is 'Well, the pedestrians that do access the tunnel in  
contravention of the rules, which are clearly set out, take their lives into their own hands.' But I would be  
grateful if the Minister could tell this House what the Government's policy is in relation to protecting  
those pedestrians who do, in a way, take their own lives into their own hands in the tunnel.

**Hon. P J Balban:** Mr Speaker, the situation is exactly the same as it was prior to 8th December 2011.

730 **Hon. S M Figueras:** Mr Speaker, that was then. This is now. Can the Minister tell this House whether  
today's Government of Gibraltar is planning, or is considering, taking any steps to protect pedestrians  
who access Dudley Ward Way tunnel?

735 **Hon. P J Balban:** Mr Speaker, the tunnel was opened by the previous administration and obviously I  
would have thought that they would have been, you know, should have been just as concerned about the  
safety of pedestrians who were then also not allowed to walk through the tunnel and it was by way of  
signage that they were advised not to.

At the present moment this sign still exists, the tunnel is in exactly the same position as it was then  
and people are adverted that the tunnel is not a place where they should be walking and it is not safe to do  
so. Those that decide to walk through do so with that in mind but it is not something that we will change.

740 **Mr Speaker:** Next Question.

**Gibraltar's roads**  
**Large-scale resurfacing**

745 **Clerk:** Question 327, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic, Housing and Technical Services say  
whether the Government is planning any largescale resurfacing of Gibraltar's roads?

750 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the physical condition of our road network is such that investment in its repair is considered necessary by Government. As stated in my 2012 Budget Speech, it is this Government's intention to accelerate the annual planned works on our roads over the next three years to correct this.

755

**Hon. S M Figueras:** Mr Speaker, has the acceleration taken place already?

**Hon. P J Balban:** Mr Speaker, the roads in question are being assessed at present and, obviously, this will start pretty soon. We will need to correct and put right what has been left to go to pot for many, many years, so it is this Government's intention to actually start fixing our roads, as promised within our Manifesto and in my last year's Budget Speech.

760

765

**Government motor vehicles and plant  
Details of acquisitions during 2012-13**

**Clerk:** Question 328, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Government provide this House with a list of all motor vehicles and plant acquired by the Government during the financial year 2012-13, detailing the following information in respect of each of them – make and model; field type – petrol, diesel, hybrid, electric, other; emissions; efficiency ratings, the identity of the dealer from which it has been purchased, the process by which the vehicle was acquired – tender or other; the Government Department to which it is assigned and the use to which it will be applied.

770

775

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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

780

Answer to Question 328

	Vehicle/Plant	Quantity	Make	Model	Fuel type	Emission level	CO2	Purchase Source	Purchase Process	Govt Dept	Use
1	Vehicle	1	Renault	Trafic	Diesel	Euro 5	190g/km	Europa Enterprise	Open local Tender	Tourist Board	General Transport
2	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	Borders & Coastguard	General Transport
3	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	HR	General Transport
4	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	Dept of Environment	General Transport
5	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	GCPL	General Transport
6	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	GHA	General Transport
7	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	Port Dept.	General Transport
8	Vehicle	1	Land Rover	Defender	Diesel	Euro 5	295g/km	AM Capurro	Open local Tender	City Fire Brigade	General Transport
9	Vehicle	2	Volks Wagon	ITU Ambulance	Diesel	Euro 5	213g/km	Rock Motors	EU Tender - Restricted	GHA	Patient Transport
10	Vehicle	2	Volks Wagon	Local Patient Ambulance	Diesel	Euro 5	213g/km	Rock Motors	EU Tender - Restricted	GHA	Patient Transport
11	Vehicle	1	Volks Wagon	Long Distance Ambulance	Diesel	Euro 5	213g/km	Rock Motors	EU Tender - Restricted	GHA	Patient Transport
12	Vehicle	1	Ford	Transit Minibus	Diesel	Euro 5	207g/km	Lucas Imossi	Direct Purchase	Bus Company	Bus
13	Vehicle	2	Toyota	Dyna	Diesel	Euro 5	236g/km	Bassadone	EU Tender - Open	Dept of Environment	Refuse Collection
14	Vehicle/Scooter	1	Yamaha	Cygnus 125cc	Petrol	n/avail	n/avail	Autosport	Open local tender	Borders & Coastguard	General Transport
15	Vehicle/Scooter	1	Yamaha	Cygnus 125cc	Petrol	n/avail	n/avail	Autosport	Open local tender	GHA	General Transport
16	Vehicle/Scooter	1	Yamaha	Cygnus 125cc	Petrol	n/avail	n/avail	Autosport	Open local tender	MEFS	General Transport
17	Vehicle/Scooter	2	Yamaha	Xmax 250cc	Petrol	n/avail	n/avail	Autosport	Open local tender	RGP	General Transport
18	Vehicle/Scooter	1	Yamaha	YBR 125cc	Petrol	n/avail	n/avail	Motorcycle Pitstop	Direct Purchase	Licensing Authority	General Transport
19	Vehicle/Scooter	1	Honda	Vision 110cc	Petrol	n/avail	n/avail	Motorcycle Pitstop	Direct Purchase	Licensing Authority	General Transport
20	Plant/Column Lifts	4	Somerstotal kare	S6ng/7.5t	Elect	n/applicable	n/applicable	Somerstotalkare	Direct Purchase	TSD/Garage & Workshop	Garage use
21	Plant/Bandsaw	1	Saws (UK)	Alligator HD 360LR	Elect	n/applicable	n/applicable	Saws (UK)	Direct Purchase	TSD/Garage & Workshop	Workshop use

785

**Mr Speaker:** In order to make progress, may I suggest that we carry on with the next Question which is down to the Hon. Mr Reyes and then, if the Hon. Mr Netto wishes to ask a supplementary arising from his perusal of the schedule, he can do so.

**Proposed housing developments  
Update to Table PC1 and details**

790

**Mr Speaker:** Question 329.

**Clerk:** Question 329, the Hon. E J Reyes.

795

**Hon. E J Reyes:** Mr Speaker, can Government provide updated details pertaining to Table PC1 which was last updated on their website in January 2013 and, in particular, can the Minister for Housing furnish this House with a breakdown of details in respect of proposed housing developments, thereby indicating to whom and when these payments were made, together with the purpose or purposes for which these consultancies were required.

800

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

805

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member pertaining to Table PC1 is contained in a schedule which I now hand over to him, together with a breakdown of details in respect of the proposed housing developments.

Amount Paid	To whom	When	Purpose
£ 5,032.50	WSRM	10-7-12	Conceptual designs for use in Devil's Tower Road housing tender document
£ 5,207.00	WSRM	10-7-12	Conceptual designs for use in Europa Point housing tender document
£ 2,850.00	WSRM	10-7-12	Conceptual designs for use in North Gorge housing tender document Option 2
£ 8,900.00	D M Orfila Associates	11-7-12	Conceptual designs for use in Coach Park housing tender document
£ 4,400.00	D M Orfila Associates	11-7-12	Conceptual designs for use in Bishop Fitzgerald car park housing tender document
£ 7,000.00	AKS Architects and Engineers	23-8-12	Conceptual designs for use in North Gorge housing tender Option 1
£ 9,000.00	AKS Architects and Engineers	23-8-12	Conceptual designs for use in Aerial Farm housing tender document
£ 28,900.00	Belilo's Limited	12-2-13	Preparation of tender package for Government housing schemes for four sites
£ 8,500.00	Belilo's Limited	10-4-13	Preparation of Tender package for Government housing scheme
£ 10,467.50	JLC Consulting Ltd	23-4-13	Assessment of tenders and tender reports for Aerial Farm and Bishop Fitzgerald sites

Table.PC.1

**Number of private consultants engaged by Government, 2013**

Consultant Areas	Value (£)
Project management and supervision of various site projects	£4,175.00
Preparation of Tender package for Gov Housing Scheme-.Coach Park Project	£8,500.00
Review of tender reports ref Bishop Fitzgerald & Aerial Farm	£10,467.50
Project management and supervision of various site projects	£4,175.00

Updated 8 May 2013

Sources:  
Ministry for Tourism, Public, Transport and Port  
Office of the Chief Technical Officer

810

**Mr Speaker:** In view of the fact that the next Question also is probably going to have a schedule attached to it, may I ask the Hon. Mr Reyes to ask Question 330.

815

**Reallocation of empty homes  
Update to Table H48 and details**

**Clerk:** Question 330, the Hon. E J Reyes.

820

**Hon. E J Reyes:** Can Government provide updated details in respect of expenditure incurred as from December 2012, which is the latest available date shown in Table H48 on the Government's website, in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid and indicating if they were for repairs or cleaning?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 330**

CONTRACTOR	Jan-13	Feb-13	Mar-13
A & K GENERAL BUILDERS	£0.00	£7,710.00	£10,535.00
S J BUILDER	£770.00	£2,063.00	£3,271.46
SA CONSTRUCTION LTD	£0.00	£9,845.04	£21,430.05
C.I.A.P CONSTRUCTION CO LTD	£0.00	£7,800.00	£6,790.80
SFA TOTAL REFURBISHMENTS	£14,815.58	£1,620.00	£17,739.00
W & N WORKS LTD	£6,825.90	£0.00	£7,358.00
ABEGON FITTERS	£0.00	£20,151.00	£13,017.24
ENVIRONMENTAL SUPPORT SERVICES LTD	£33,835.14	£0.00	£15,776.78
GARCIA & PEREZ CONSTRUCTION CO LTD	£0.00	£0.00	£13,120.00
SARAH JANE CONSTRUCTION CO LTD	£0.00	£9,314.00	£5,844.32
R RUTHERFORD CONSTRUCTION CO LTD	£900.00	£4,240.00	£2,250.00
501 CONSTRUCTION LTD	£16,473.39	£0.00	£11,057.92
ACE PLUMBING	£0.00	£0.00	£9,950.00
ERNEST LOPEZ & SONS	£0.00	£0.00	£12,251.49
KOALA	£40,468.43	£13,941.39	£0.00
XL SCAFFOLDING	£700.00	£0.00	£0.00
NO 1 LIMITED PROPERTY MAINTENANCE	£2,697.18	£0.00	£0.00
AVANTI	£0.00	£5,900.00	£4,000.00
DESOISA BUILDING & WORKS	£0.00	£3,787.00	£5,230.20
BRIGHT COMPANY LTD	£0.00	£37,582.00	£0.00
SITE TRADING	£0.00	£7,900.00	£0.00
LEED TRANSPORT	£0.00	£340.00	£1,915.00
GREENARC	£0.00	£0.00	£700.00
LC GROUNDWORKS	£0.00	£0.00	£1,500.00
A.J.R WINDOWS	£0.00	£0.00	£2,741.00
PLUMRITE	£0.00	£0.00	£1,630.00
ACE PLUMBING	£0.00	£0.00	£1,500.00
PW CONTRACTING GIB LTD	£0.00	£0.00	£28,790.87
INCHARLAH GARDENING	£0.00	£0.00	£300.00
CLIVE CHICHON SERVICES	£0.00	£0.00	£6,637.60

All works involves repairs with the exception of Greenarc and Incharlah which were involved in cleaning.

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**Mr Speaker:** We are now back to Question 328.  
Are there any supplementaries arising from the answer to that Question?

**Hon. J J Netto:** No, Mr Speaker.

835

**Mr Speaker:** I will give the hon. Mr Reyes, or any other Member of the Opposition, an opportunity to study the schedules in case they have any supplementaries.

**Hon. E J Reyes:** Thank you, Mr Speaker.

840

On the table provided for Question 329, the third item from the bottom lists £28,900 paid as preparation for tender packages for Government Housing Schemes for four sites. I see that, previous to that, the sites that these were indicated by location. Does the Hon. Minister have any indication of location for those four sites?

845

**Hon. P J Balban:** Mr Speaker, would the hon. Gentleman repeat the supplementary, please.

850 **Hon. E J Reyes:** Yes, Mr Speaker. I was noting that, in the first set of information provided – for example, No. 1 says conceptual designs for use in Devil’s Tower Road housing – so we have an actual location. On the third one from the bottom the expenditure relates to preparation of tender packages and it refers to four sites but no indication what those sites are. Therefore, I have no idea if they refer to the same sites as the ones before. Am I wrong in assuming it is Devil’s Tower, Europa, North Gorge and Bishop Fitzgerald, or is it something else? Could it be different sites? That is what I am asking.

855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am handling, as the hon. Gentleman knows, an element of these projects at No. 6. That is a generic package for the four of the estates which will be for affordable co-ownership.

I think he will be able to determine from the information that he already has that Bishop Fitzgerald, for example, is not going to be a co-ownership estate, it is going to be for elderly residents and, therefore, the remaining sites will be the ones to which this generic package applies.

860 **Hon. E J Reyes:** Yes, Mr Speaker, on the lower part, referring to Table PC1, where it says ‘number of private consultants’, the £10,467.50 there is a mixture of – am I right in assuming? – co-ownership would be the Aerial Farm and yet Bishop Fitzgerald is a rental... Are those two inter-linked and not therefore separate rental and co-ownership?

865 **Hon. Chief Minister:** Mr Speaker, what the final entry that the hon. Gentleman is referring to, relates to, is an assessment of tenders. That is both in relation to co-ownership and in relation to non co-ownership estates. It is an assessment of the tenders submitted to build. It has got less to do with the documentation that would follow which is what the other one, the tender package, related to.

870 **Hon. E J Reyes:** Mr Speaker, those private consultants engaged by the Government, is it possible to have an indication who these private consultants are?

875 **Hon. Chief Minister:** Well Mr Speaker, it is who it says they are, JLC Consulting Limited is a company and Belilo’s Limited is a company. I think, in both instances, the names of the companies represent the names of the individuals who are behind them.

**Hon. E J Reyes:** That does clarify that one, Mr Speaker.

880 **Clerk:** Question 331, the Hon. E J Reyes.

**Hon. E J Reyes:** Sorry, Mr Speaker, I thought the Clerk was going to prompt us if there were any supplementaries in respect of 330. May I?

885 **Mr Speaker:** Yes.

**Hon. E J Reyes:** Thank you, sir.

890 The final words of my Question 330 asked for an indication if they were for repairs or cleaning. Can the Minister guide me that the information has been provided and guide me a bit through the table. It is a bit too much to digest in just a few seconds.

**Hon. P J Balban:** Mr Speaker, at the bottom of that table it says ‘All works involve repairs, with the exception of Greenarc and Incharlah, which were involved in cleaning’.

895 **Hon. E J Reyes:** Thank you for that clarification, Mr Speaker. Therefore especially seeing that, in some cases, the repairs being carried out are much bigger sums than others, does the Minister have an indication as to the number of properties that it refers to? Is it just one particular flat or does it refer to half a dozen of them and so on?

900 **Hon. P J Balban:** Mr Speaker, the cost is indicative of the state of the property. Obviously, a property which is in a close to derelict state would cost more than a property requiring minor works.

905 **Hon. E J Reyes:** Yes, Mr Speaker, thank you for that but it still does not say whether each one of those sums just refers to... For example, if I may perhaps explain myself further, in January 2013 there is a payment of £40,468. Is that just in respect of one flat or could it be that there is more than one home involved in that sum?

**Hon. P J Balban:** Mr Speaker, to give a precise reply to that question I would have to ask but the way



910 I see it, the way I believe it is, is that each of these refers to either a flat or one building and whether the building could have three flats, or whether it is a flat on its own, it refers either to a flat or a building that could contain more than one flat. But to give you a precise reply based on that I would have to find out for him.

915 **Hon. E J Reyes:** I accept, Mr Speaker, that the Minister wants to make certain he has the correct information. Could it be possible for him to pursue that information for me and pass it on, if possible, during the tenure of this particular sitting or session? If not, as soon as possible thereafter he can forward it to me by correspondence or whatever.

920 **Hon. P J Balban:** Mr Speaker, if the Gentleman would care to write to me, I will happily provide him with the information he is requesting.

**Mr Speaker:** If the hon. Member writes, the Minister can deal with the matter sooner than if he waits for the *Hansard*.

925 **Hon. E J Reyes:** Not my experience with all the Ministers on that side of the House, Mr Speaker!

**Hon. Chief Minister:** Or, Mr Speaker, indeed, ours when we used to write and perhaps not ever get a reply!

930 **Mr Speaker:** Next Question.

**Ministry for Housing and Housing Works Agency  
Details of comprehensive review**

935 **Clerk:** Question 331, the Hon. E J Reyes.

940 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question 886/2012, can the Minister for Housing now provide this House with details of the comprehensive review which Government is undertaking of the Housing Works Agency and the Ministry for Housing?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

945 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, this matter remains a subject of consideration by the Cabinet.

**Co-ownership of residential property  
Procedure for returning Gibraltarians**

950 **Clerk:** Question 332, the Hon. E J Reyes.

955 **Hon. E J Reyes:** Can the Minister for Housing explain what procedures should be followed by Gibraltarians who, after having co-owned a residential property in Gibraltar but then subsequently sold and moved to reside in Spain, in order to be once again eligible to either rent or repurchase on a co-ownership basis back in Gibraltar?

960 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

965 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, irrespective of whether a person who sells a co-owned or an unrestricted property goes to live in Spain or not, the sale of a property in Gibraltar is governed by the 5(d) Clause introduced on 5th August 2005. Hence a previous home owner is not eligible to become an applicant for Government Housing again unless they can satisfy either of the requirements (a) and (b), as follows:

(a) If the sale is as a result of a separation, then the Deed of Assignment of separation or divorce papers need to be provided. The Housing Allocation Committee will consider the case and recommend it to the Housing Authority, the acceptance of the application for Government Housing or otherwise

(b) If the sale of the property was not as a result of a separation, then a financial assessment must be

970 completed as at the time of sale, together with supporting documentation. The result of this financial assessment is referred to the Housing Allocation Committee who, in turn, recommend to the Housing Authority if the application for Government Housing may be accepted.

975 Reference a previous home owner repurchasing within a co-ownership estate, consent for such purposes are directed via LPS. Gibraltarians would require proof of residence for one year in order to qualify.

980 **Hon. D A Feetham:** Mr Speaker, I realise that the policy is a policy that we instituted when we were in Government, but does he not agree with me that the policy perhaps ought to be reviewed to actually make it more flexible?

I will give him an example of somebody who came to see me recently, who I felt had a genuine case for inclusion within the Government Housing List. This is a couple who effectively sold their property here in Gibraltar and then bought a property in Spain. They have gone through financial hardship in Spain – well, financial hardship in their lives – they have had to sell their property in Spain and lost everything that they made here in Gibraltar on the sale of their property. Now, because they sold a property here in Gibraltar, it means that they are not allowed onto the Housing waiting list. In that kind of situation, they have been told that they are not eligible to go onto the Housing waiting list.

985 Now, that is the kind of example where I believe that the Housing Department ought to be more flexible and ought to look at the individual circumstances of the case and see whether it is a genuine case. Does the Minister not agree with me or, indeed, the Chief Minister, that perhaps that particular guideline ought to be looked at in order to give the Housing Department a little bit more flexibility to look at the individual facts of each case in a little bit more detail?

995 **Chief Minister (Hon F R Picardo):** Mr Speaker, in fact the Housing Allocation Committee is the one that, initially, is charged with looking at the enforcement of these rules. This is the famous Clause 5(d) that was introduced by hon. Members when they were in Government. There are a number of discretions which can be engaged in the right case. The hon. Gentleman probably understands that there are many cases which may be deserving at first blush but that there is a hierarchy of deserving cases and that not all cases can be considered as deserving in present circumstances. I am not going to make much of this but the hon. Member knows – and I am sure he accepts this is a factual issue – that on the day that we were elected, there were 1,500 people on the Housing waiting list. That causes a number of different problems because, of course, the circumstances that he explains, which we may all agree are the sort of circumstances that should engage the discretion, also ignore that there are much more deserving circumstances than those. That is not to say that, in the hierarchy of deserving circumstances, there are not all those on that list who might feel that theirs is the most important case but, as his predecessor will know and I, unfortunately, am now more than aware of, there are some very, very deserving cases in Gibraltar where discretions have to be exercised. It is sometimes incumbent on the persons who have to make these decisions, to tell people that, although they may be uncomfortable in their present circumstances, they should actually be grateful that they are not in the *most* deserving cases when things have to be moved, sometimes overnight, to deal with issues – because there are some very, very serious issues that his predecessor and the Housing Allocation Committee have come across, where it is necessary to have the ability to act in a moment.

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1005  
1010 Now, Mr Speaker, in circumstances where, hopefully, the Housing Waiting List will be eradicated, it will be possible to look at these issues all over again and, therefore, before the end of the lifetime of this Parliament, I trust that people who are in such circumstances will be able to be accommodated by the changes we hope to introduce to the way these lists are compiled. It is not, I am sure, Mr Speaker, either under their administration or our administration that somebody whose case is deserving is not assisted, but there has to be that hierarchy of deserving cases, unfortunately.

1020 **Hon. D A Feetham:** Mr Speaker, I fully realise that there has to be a hierarchy of deserving cases and, indeed, the issue here is not that the rules are changed so that somebody can actually skip the queue and go at the top, or near the top. The issue here is that, because that particular individual had a home that was owned under co-ownership terms and they sold, in order to buy a home – in the particular circumstances that I am referring to, a home in Spain – they have lost all their money, they have lost everything that they have made, as a consequence of the situation, the property market in Spain. Indeed, there may be other circumstances: one of the issues that we had to also grapple with when we were in Government were a number of debates, internal in relation to 5(b), was whether 5(b) operates unfairly, for example, to somebody who is a father in a divorce situation and does not have the children. It is one of the reasons, actually, that motivated me to introduce and to push quite heavily this question of joint parental responsibility and joint residence in relation to family cases, because once there is a joint residency order, then that joint residency order can then be taken to the Housing Authority and, of course, on that basis, then instead of being granted for example a one bedroom or a studio flat, they can take into

account that the person has a number of children as well that not only belong to his wife but belong to him. They are his children.

1035 Now what I am saying to the Hon. the Chief Minister, it is not about skipping the queue, it is about opening that particular Clause 5(b) which I always felt could have harsh consequences if one was really bookish about the way one operated that Clause, and it is there for everybody to see, to introduce an element of discretion so that not that anyone skips the queue but that, in appropriate circumstances, you allow somebody in, if necessary obviously at the bottom of the queue on the Housing waiting list.

1040 **Hon. Chief Minister:** Mr Speaker, it is not 5(b), it is 5(d). It is 5(d).

Mr Speaker, I think it is worth reading the clause to the Parliament: it is two sentences. The relevant part is this:

1045 'People who have been home owners and have chosen to sell their homes'

– the words 'have chosen' are important –

1050 'to sell their homes shall not be entitled to go on the public waiting list unless, in the judgement of the Housing Allocation Committee, the sale was genuinely necessary or there is some justification for being admitted. No other person shall be allowed to earn over-crowding points when people move into his home after having sold their own home unless the Housing Allocation Committee rule that the sale was genuinely necessary.'

1055 There are, in that sentence, Mr Speaker, a number of discretions that can be engaged. The first is a judgement about whether somebody has *chosen* to sell a home or not. In the example that the hon. Gentleman has given, there is a clear choice. In the examples where there is a marital breakdown issue, or where there is another reason why a couple *have* to sell their home, then the first limb of that section is not engaged. There is no choice there.

1060 Then, Mr Speaker, the question of the judgement of the Housing Allocation Committee comes in, as to whether the sale was genuinely necessary or – and this is the wider discretion, Mr Speaker – where there is *some* justification for being admitted. So, Mr Speaker, we have considered very carefully whether this clause should change. But our determination has been that there are three gateways through which the discretion of the Housing Allocation Committee can be engaged, should they consider that there are reasons why, in deserving cases, people should be allowed to go back on the Housing waiting lists.

1065 What I am saying to him, Mr Speaker, is that in the circumstances of a waiting list which, on 9th December, was 1,500 people, the Housing Allocation Committee has been very reticent to ensure that it allows those discretions to engage only in circumstances which are the most deserving. There are deserving cases where people have not, in my view, been able to persuade the Housing Allocation Committee, perhaps harshly, and people have not been allowed back on the list.

1070 Now, in the context of a Housing waiting list that is more manageable – and there are changes to the way that the Housing waiting list is compiled, all of which we have said we are looking at in the context of housing everybody who was on the Housing waiting list on the 9th December – I believe it will be possible to be much more amenable to allowing individuals in circumstances such as the ones that he has described to come back on to the public waiting list. But that is not because there are not already discretions that can be engaged to allow registration of people in genuinely deserving cases. But I think that the way those discretions have been exercised at the moment reflects the dire circumstances that we inherited.

1075 **Mr Speaker:** Any other supplementary?

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**Government Housing Rental Estates  
Details of contract cleaning**

1085 **Mr Speaker:** Question 333, the Hon. E J Reyes.

1090 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all contracts to carry out cleaning of communal areas in Government Housing Rental Estates, inclusive of the names of companies contracted and cost?

**Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon P J Balban):** Mr Speaker, three contracts will be awarded to clean the communal areas, El Turno, on a yearly basis, as follows:

1095 The company contracted: ESSL at a total contract sum per month of £10,816.  
The company: JFM Shine at a contract sum per month of £3,328.  
The company contracted: MCS with a contract sum per month of £2,392.  
At present they have been engaged on a trial monthly contract.

1100 **Hon. E J Reyes:** Mr Speaker, were these contracts awarded as a result of a tender process, or how did they come about to contracting these?

1105 **Hon. P J Balban:** Mr Speaker, the contracts were actually... following a tender and, in each case, it was the cheapest of the companies that were the cheapest price were the ones that were contracted.

**Mr Speaker:** Question 334, the Hon Mr –

1110 **Hon. J J Netto:** Mr Speaker, could I ask a supplementary question perhaps on Question 333. Obviously, the Government – and I take on board the fact that it is the type of work that goes out to tender and the company will provide the services, so therefore there is no interference between Government and the company how to run the services as such, but I have heard some constituent people say that, in the context of Laguna Estate, there are just two cleaners doing El Turno, so to speak, for the whole number of blocks that there is. Putting such an amount... a volume of work on just two particular persons to do such a vast area is a huge demand, which probably takes, I do not know, all day probably. Is there any relationship, you know... I know the Government does not intervene in what the company does, but is there any relationship that, perhaps, too much work is being placed by the company on too few individuals to do this type of work?

1120 **Hon. P J Balban:** Mr Speaker, the Government will be looking into this.  
This is, as I said, a trial so it is happening on a monthly basis on a trial basis. At the end of the day, as you rightly say, it is the company that decides, you know, how many cleaners they have per estate... and the Government does not interfere with that. Needless to say, if the job is seen that it is not being well done, or the Government sees that other things could be better, the company will be told and if it is not to their satisfaction then, obviously, we would have to review this in the future.

1125 **Hon. E J Reyes:** May I, Mr Speaker – sorry sir – seeing that the contract awarded to one of the companies is thrice that given to the others, is the Minister able to provide information of which of these companies cleaning contract pertains to which particular housing area?

1130 **Hon. P J Balban:** Mr Speaker, yes, the first company, it is thrice because they have thrice the amount of work.

1135 ESSL is responsible for the Estates, Mid Harbours, Glacis, Laguna and Varyl Begg Estates, whereas JMF Shine is responsible for Alameda Estate and MCS does Moorish Castle Estate, Edinburgh and Chilton Court.

#### Homes and residential properties Sale details

1140 **Mr Speaker:** Question 334, the Hon. Mr Edwin Reyes.

1145 **Hon. E J Reyes:** Can the Minister for Housing provide details, if any, in respect of homes or residential properties sold to persons or companies other than by those sold by an Official Public Tender process or to ‘Sitting Tenants’ since January 2012?

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

1150 **Mr Speaker:** Just a moment: that Question – was it 334, or 335?

**Hon. E J Reyes:** 335.

1155 **Mr Speaker:** Have we dealt already with 334, or have we jumped it?

**Hon. E J Reyes:** We have left it out, Mr Speaker, sorry.

**Government rental properties  
Details relating to use of scaffolding**

1160 **Mr Speaker:** Right, Question 334 then, the Hon. Mr Edwin Reyes.

**Hon. E J Reyes:** Yes, Mr Speaker, whilst I ask that Question, seeing that the Hon. Minister said there was a schedule, can we anticipate the time, because you normally then have to allow me a few seconds... Perhaps one of the ushers can start to –

1165 **Mr Speaker:** Yes, I will allow the schedule to be circulated because we make better progress that way, so let us go back to 334 now. The Hon. Mr Edwin Reyes.

1170 **Hon. E J Reyes:** Thank you, Mr Speaker.  
Question 334: can the Minister for Housing provide this House with an updated list of all Government buildings used for rental accommodation which, since 6th March 2013, have had scaffolding erected, indicating the dates when the scaffold was first erected, the companies contracted to erect these, cost incurred and estimated date of dismantling?

1175 **Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 334**

Location	Date Erected	Estimated Removal	Cost to Date	Company
Wilson's Ramp	12/12/2009	Pending	£386.25	A&M Scaffolding & Cradles Ltd
Bado's Building	12/01/2010	Pending	£22,596.36	Gibfirst Scaffolding
Sandpits House	22/11/2012	August 2013	Cost Included In Contract	A&M Scaffolding & Cradles
Danino's Ramp (14)	29/10/2012	Pending	£3,451.43	Gibfirst Scaffolding
Renown House	28/10/2012	Pending	£650	Gibfirst Scaffolding
Royal Sovereign House	16/04/2013	Pending	Cost included in Contract	Gibfirst Scaffolding
Seaview House, 5	12/03/2013	Completion Date Pending	Cost included in Contract	Gibfirst Scaffolding
Hargrave's, 9	08/04/2013	Completion Date Pending	Cost included in Contract	Gibfirst Scaffolding
Willis's House	13/03/2013	Completion Date Pending	Cost included in Contract	Gibfirst Scaffolding
Crutchett's Ramp	13/03/2013	18/03/2013	£440	Gibfirst Scaffolding
Scud Hill House	15/03/2013	18/03/2013	£325	Gibfirst Scaffolding
Genoa House	11/04/2013	17/04/2013	£120	Gibfirst Scaffolding
Renown House	09/04/2013	29/04/2013	£200	Gibfirst Scaffolding
Crutchett's Ramp	17/04/2013	24/04/2013	£120	Gibfirst Scaffolding
MacMillan House	04/05/2013	08/05/2013	£600	Gibfirst Scaffolding
Crutchett's Ramp	07/05/2013	Completion Date Pending	£240	Gibfirst Scaffolding
Tarik House	06/05/2013	13/05/2013	£1,100	Andy Holdings
GBC – Broadcasting	27/04/2013	Completion Date Pending	£800	Avanti
Archbishop Amigo	25/02/2013	15/03/2013	£1,100	Sarah Jane Construction Co Ltd
Renown House, 20a	03/05/2013	13/05/2013	£1,000	SA Construction
Tankerville House, 33	09/04/2013	29/04/2013	£480	W&N Construction
King's House	22/04/2013	16/05/2013	£1,400	LC Groundworks
Portmore House	13/02/2013	08/03/2013	£3,680	Sarah Jane Construction Co Ltd
Custom Recreation Club	15/03/2013	Completion Date Pending	n/a to date	501 Construction Ltd

1185 **Homes and residential properties  
Sale details**

**Mr Speaker:** I will call out again Question 335, the Hon. Mr Edwin Reyes.

1190 **Hon. E J Reyes:** Thank you, Mr Speaker.  
I will re-read the Question, can the Minister for Housing provide details, if any, in respect of homes or residential properties sold to persons or companies other than those sold by an Official Public Tender process or to 'Sitting Tenants' since January 2012?

1195 **Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Hon. Minister for Traffic, Housing and Technical Services (Hon P J Balban):** Mr Speaker, no homes or residential properties have been sold to persons or companies during the period January 2012 to date, other than those sold through an Official Public Tender process or to 'Sitting Tenants'.

1200

**Government rental homes  
Details of lift repairs**

1205 **Mr Speaker:** Question 336, the Hon. Mr Edwin Reyes.

1210 **Hon E J Reyes:** Can the Minister for Housing provide details in respect of all repairs undertaken to lifts servicing Government rental homes, since the reply to Question No. 152/2013, showing (a) Location of lift requiring repairs; (b) Date and time when the lift breakdown was first lodged; and (c) Date and time when the lift was duly repaired and, therefore, fully functional?

**Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1215 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 336**

LOCATION	DATE & TIME REPORTED	DATE & TIME REPAIRS COMPLETED	CONTRACTOR
CONSTITUTION HSE	08/02/13 11:10:00	08/02/13 11:32:00	OTIS
VALIANT HSE	09/02/13 17:00:00	09/02/13 17:48:00	OTIS
REFERENDUM HSE	10/02/13 09:05:00	10/02/13 17:48:00	OTIS
PENNEY HSE	13/02/13 17:40:00	13/02/13 17:52:00	OTIS
CONSTITUTION HSE	14/02/13 15:15:00	14/02/13 15:42:00	OTIS
REPULSE HSE	14/02/13 16:00:00	14/02/13 16:16:00	OTIS
WAVE CREST HSE	14/02/13 16:25:00	14/02/13 16:39:00	OTIS
ORSOVA HSE	18/02/13 15:45:00	18/02/13 15:55:00	OTIS
REFERENDUM HSE	19/02/13 19:20:00	19/02/13 19:31:00	OTIS
CONSTITUTION HSE	19/02/13 19:00:00	19/02/13 19:23:00	OTIS
CHUSAN HSE	20/02/13 18:15:00	20/02/13 19:03:00	OTIS
REFERENDUM HSE	21/02/13 20:30:00	21/02/13 20:49:00	OTIS
CHUSAN HSE	25/02/13 13:00:00	25/02/13 16:23:00	OTIS
AQUITANIA HSE	26/02/13 20:30:00	26/02/13 21:10:00	OTIS

**CONTD ANSWER TO QUESTION 336**

SEA WAVE HSE	01/03/13 10:30:00	01/03/13 10:40:00	OTIS
ARCHBISHOP AMIGO HSE	02/03/13 14:00:00	02/03/13 16:54:00	OTIS
PICTON HSE	02/03/13 16:15:00	02/03/13 16:58:00	OTIS
GEORGE DON HSE	08/03/13 08:30:00	08/03/13 08:44:00	OTIS
ALAMEDA HSE	07/03/13 13:30:00	07/03/13 14:05:00	OTIS
ROSS HSE	07/03/13 16:50:00	07/03/13 17:13:00	OTIS
CHUSAN HSE	07/03/13 19:55:00	07/03/13 20:34:00	OTIS
BLUE WAVE HSE	07/03/13 20:17:00	07/03/13 20:34:00	OTIS
ROSS HSE	08/03/13 12:00:00	08/03/13 12:20:00	OTIS

CONSTITUTION HSE	08/03/13 10:30:00	08/03/13 10:40:00	OTIS
ARCHBISHOP AMIGO HSE	12/03/13 10:05:00	12/03/13 10:24:00	OTIS
IRONSIDE HSE	14/03/13 08:27:00	14/03/13 08:32:00	OTIS

**CONTD ANSWER TO QUESTION 336**

ARCHBISHOP AMIGO HSE	14/03/13 08:30:00	14/03/13 08:37:00	OTIS
MAURETANIA HSE	14/03/13 12:45:00	14/03/13 13:00:00	OTIS
REFERENDUM HSE	15/03/13 13:50:00	15/03/13 14:03:00	OTIS
KINGSWAY HSE	14/03/13 17:00:00	14/03/13 19:43:00	OTIS

MAURETANIA HSE	15/03/13 15:00:00	15/03/13 21:45:00	OTIS
BLUE WAVE HSE	16/03/13 12:15:00	16/03/13 12:44:00	OTIS
WHITE WAVE HSE	18/03/13 12:20:00	18/03/13 12:41:00	OTIS
OCEAN WAVE HSE	19/03/13 20:40:00	19/03/13 20:52:00	OTIS
BLUE WAVE HSE	19/03/13 20:20:00	19/03/13 20:44:00	OTIS
CANTON HSE	21/03/13 15:50:00	21/03/13 16:18:00	OTIS

CARMANIA HSE	21/03/13 19:10:00	21/03/13 19:46:00	OTIS
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**CONTD ANSWER TO QUESTION 336**

ROYAL SOVEREIGN HSE	21/03/13 19:50:00	21/03/13 20:11:00	OTIS
ARCHBISHOP AMIGO HSE	22/03/13 19:40:00	22/03/13 20:09:00	OTIS
CATHAY HSE	22/03/13 20:15:00	22/03/13 20:47:00	OTIS
BLUE WAVE HSE	24/03/13 17:10:00	24/03/13 17:17:00	OTIS
IRONSIDE HSE	25/03/13 13:00:00	25/03/13 13:19:00	OTIS
REFERENDUM HSE	25/03/13 20:55:00	25/03/13 21:15:00	OTIS
CONSTITUTION HSE	25/03/13 20:10:00	25/03/13 20:51:00	OTIS
CONSTITUTION HSE	26/03/13 13:20:00	26/03/13 18:01:00	OTIS
BARHAM HSE	27/03/13 13:50:00	27/03/13 14:05:00	OTIS
BOW WAVE HSE	28/03/13 15:30:00	28/03/13 17:02:00	OTIS
SEA WAVE HSE	30/03/13 16:15:00	30/03/13 17:00:00	OTIS
OCEAN WAVE HSE	31/03/13 09:20:00	31/03/13 10:03:00	OTIS

**CONTD ANSWER TO QUESTION 336**

CARMANIA HSE	01/04/13 14:15:00	01/04/13 14:44:00	OTIS
GEORGE JEGER HSE	02/04/13 10:10:00	02/04/13 10:40:00	OTIS
IRONSIDE HSE	02/04/13 13:30:00	02/04/13 14:38:00	OTIS
CATHAY HSE	02/04/13 15:20:00	02/04/13 16:11:00	OTIS
REPULSE HSE	02/04/13 19:30:00	02/04/13 21:46:00	OTIS
CATHAY HSE	03/04/13 11:00:00	03/04/13 13:36:00	OTIS
ALAMEDA HSE	05/04/13 15:50:00	05/04/13 16:18:00	OTIS
CONSTITUTION HSE	05/04/13 17:45:00	05/04/13 18:22:00	OTIS
REFERENDUM HSE	05/04/13 17:00:00	05/04/13 17:38:00	OTIS
REPULSE HSE	06/04/13 13:00:00	06/04/13 14:51:00	OTIS
CONSTITUTION HSE	06/04/13 10:45:00	06/04/13 14:52:00	OTIS

**CONTD ANSWER TO QUESTION 336**

REFERENDUM HSE	06/04/13 23:45:00	06/04/13 00:08:00	OTIS
CARMANIA HSE	07/04/13 13:10:00	07/04/13 14:33:00	OTIS
BLUE WAVE HSE	07/04/13 20:55:00	08/04/13 08:32:00	OTIS
WHITE WAVE HSE	08/04/13 13:44:00	08/04/13 14:13:00	OTIS

GOVERNORS MEADOW HSE	07/04/13 20:45:00	07/04/13 21:01:00	OTIS
REFERENDUM HSE	08/04/13 18:45:00	08/04/13 20:19:00	OTIS
SEA WAVE HSE	08/04/13 20:15:00	08/04/13 20:20:00	OTIS
GOVERNORS MEADOW HSE	09/04/13 11:50:00	09/04/13 12:00:00	OTIS
OCEAN WAVE HSE	09/04/13 13:55:00	09/04/13 14:31:00	OTIS
KINGSWAY HSE	09/04/13 18:15:00	09/04/13 20:51:00	OTIS
REFERENDUM HSE	09/04/13 22:50:00	09/04/13 23:38:00	OTIS

**CONTD ANSWER TO QUESTION 336**

KINGSWAY HSE	10/04/13 09:55:00	10/04/13 10:36:00	OTIS
WHITE WAVE HSE	10/04/13 13:00:00	10/04/13 13:18:00	OTIS
REFERENDUM HSE	10/04/13 12:00:00	10/04/13 14:57:00	OTIS
ROSS HSE	11/04/13 12:40:00	11/04/13 13:01:00	OTIS
REPULSE HSE	11/04/13 20:15:00	11/04/13 21:08:00	OTIS
KINGSWAY HSE	11/04/13 21:30:00	11/04/13 22:05:00	OTIS
OCEAN WAVE HSE	12/04/13 15:45:00	12/04/13 17:29:00	OTIS
SEA WAVE HSE	12/04/13 21:30:00	12/04/13 22:23:00	OTIS
GOVERNORS MEADOW HSE	12/04/13 20:30:00	12/04/13 21:15:00	OTIS
CONSTITUTION HSE	13/04/13 13:50:00	13/04/13 14:18:00	OTIS
GEORGE DON HSE	15/04/13 17:40:00	15/04/13 18:15:00	OTIS
KINGSWAY HSE	18/04/13 09:00:00	18/04/13 12:17:00	OTIS

**CONTD ANSWER TO QUESTION 336**

REFERENDUM HSE	22/04/13 17:50:00	22/04/13 17:56:00	OTIS
CANTON HSE	22/04/13 12:30:00	22/04/13 12:58:00	OTIS
ALAMEDA HSE	22/04/13 19:30:00	22/04/13 21:08:13	OTIS
ROSS HSE	22/04/13 21:00:00	22/04/13 21:46:00	OTIS
IRONSIDE HSE	24/04/13 10:15:00	24/04/13 10:30:00	OTIS
REFERENDUM HSE	25/04/13 10:45:00	25/04/13 11:15:00	OTIS
CONSTITUTION HSE	25/04/13 19:00:00	25/04/13 19:40:00	OTIS
GEORGE DON HSE	25/04/13 20:30:00	25/04/13 21:55:00	OTIS
REFERENDUM HSE	25/04/13 20:00:00	25/04/13 20:31:00	OTIS
KINGSWAY HSE	27/04/13 08:50:00	27/04/13 09:34:00	OTIS
BARHAM HSE	28/04/13 17:50:00	28/04/13 18:04:00	OTIS

**CONTD ANSWER TO QUESTION 336**

ROYAL SOVEREIGN HSE	29/04/13 15:50:00	29/04/13 16:24:00	OTIS
PENNY HSE	29/04/13 18:50:00	29/04/13 19:44:00	OTIS
PENNY HSE	30/04/13 10:45:00	30/04/13 11:26:00	OTIS
PICTON HSE	30/04/13 11:25:00	30/04/13 11:59:00	OTIS
ORONSAY HSE	30/04/13 13:00:00	30/04/13 13:21:00	OTIS

SEA WAVE HSE	01/05/13 14:00:00	01/05/13 14:49:00	OTIS
PENNY HSE	01/05/13 16:50:00	01/04/13 17:31:00	OTIS
PENNY HSE	02/04/13 11:15:00	02/05/13 12:35:00	OTIS
SEA WAVE HSE	05/05/13 15:00:00	05/05/13 15:58:00	OTIS
VICTORIA HSE	05/05/13 21:10:00	05/05/13 22:16:00	OTIS
REPULSE HSE	06/05/13 21:00:00	06/05/13 21:26:00	OTIS
ROSS HSE	06/05/13 19:45:00	06/05/13 20:54:00	OTIS

**CONTD ANSWER TO QUESTION 336**

REPULSE HSE	07/05/13 16:40:00	07/05/13 17:19:00	OTIS
BISHOP CANILLA HSE	15/03/13 18:15:00	15/05/13 18:25:00	EMBARBA
BISHOP CANILLA HSE	08/04/13 10:23:00	15/05/13 10:55:00	EMBARBA
ALBERT RISSO HSE	25/03/13 14:55:00	25/03/13 15:17:00	FAIN
ALBERT RISSO HSE	29/04/13 10:35:00	29/03/13 10:58:00	FAIN
ALBERT RISSO HSE	03/05/13 10:11:00	03/05/13 10:33:00	FAIN

**Mr Speaker:** This is a rather lengthy schedule. I would like to call the next Question, if I may.

1220

**Government rental homes  
Details in respect of outstanding repairs**

1225

**Mr Speaker:** The Hon. Mr Edwin Reyes, Question 337.

1230

**Hon. E J Reyes:** Further to the answer to Question No. 43/2013, can the Minister for Housing provide details of how many of the 288 applicants who were assigned a home during 2012 are still waiting for repairs to be completed, stating if these works are to be carried out by the Housing Works Agency or by contractors, stipulating which contractors, if any, will carry out the works, and the cost?

**Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1235

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, none of the 288 applicants who were allocated a home during 2013 are awaiting repairs to be completed. All 288 have signed the Tenancy Agreements and have taken the key to their property.

1240

**Hon E J Reyes:** Mr Speaker, because, last time, the Minister in his answer said that there was a difference between assignation and allocation, I have purposely used in my Question the 288 applicants who were 'assigned'. I note that the Minister, in his reply, has used, instead, '288 allocated'. Can I, therefore, Mr Speaker, try to explain myself? Are there any applicants who were assigned homes and are still waiting for those to be fully repaired and so on, and therefore that is why things when they become allocated... if I understood in the last Parliamentary session the Minister correctly?

1245

**Hon. P J Balban:** Mr Speaker, I should have said in that Question who were 'allocated', not 'assigned', but if you look at the reply once again, it says clearly all 288 have signed the Tenancy Agreement and have taken the key to the property. So, regardless of whether it was allocated, the persons have taken the keys to the property.

1250

**Hon. E J Reyes:** Because, if I may, Mr Speaker, it therefore follows that they have now accepted the key and are now, therefore, eligible to pay full rent and so on and there is not that lead-in period, yes? I have understood it correctly?

1255 **Hon. P J Balban:** Mr Speaker, that is right. When the person takes the key, it is because he has accepted the property and that is when the tenancy begins.

1260 **Government rental homes  
Details in respect of urgent decanting**

**Mr Speaker:** Question 338, the Hon. Edwin Reyes.

1265 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question No. 149/2013, indicating the reasons why, the dates when said decanting became necessary and the dates when these tenants were able to return to their homes?

1270 **Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 338**

A total of five tenants have required urgent decanting. The reasons why, the dates when said decanting became necessary and the dates when these tenants were able to return to their homes, is as follows:

	Reason	Date decanting became necessary	Date when tenant returned home
Tenant 1	Severe water ingress as result of storm	22/2/13	10/4/13
Tenant 2	Remedial works necessary	8/4/13	22/4/13
Tenant 3	Major works	1/3/13	Permanent decanting
Tenant 4	Govt projects	5/3/13	Permanent decanting
Tenant 5	Govt projects	5/3/13	Permanent decanting

1275 **Mr Speaker:** Now the schedule here is quite short, so we will pause for a few moments to allow hon. Members of the Opposition to ask supplementaries before we move on to Question 339.

1280 **Hon. E J Reyes:** May I, Mr Speaker... Can the Minister provide a little bit further information: the tenants, numbers 4 and 5, the reason for decanting says 'Government projects' – can he enlighten us with a bit more detail in that respect?

1285 **Hon. P J Balban:** Mr Speaker, may I ask the hon. Gentleman to repeat the question. I was absorbed by the coughing.

1290 **Hon. E J Reyes:** Yes, Mr Speaker, sir, I was saying that, from the schedule, tenants numbers 4 and 5, the reason for the decanting means Government projects. I am imagining from there that it does not necessarily follow that it was because the house needed major repairs or major works, like I am interpreting tenants 1, 2 and 3 were. So can he explain what the 'Government projects' were and that might clarify the matter?

1295 **Hon. P J Balban:** Mr Speaker, with regard to tenants 4 and 5, those two were decanted as a result of the ongoing decanting – started by the previous administration – of police barracks. With these two families, the decanting of the building is now complete.

**Hon. E J Reyes:** Is it similar with tenant number 3? Does the Minister have any additional information?

**Hon. P J Balban:** Mr Speaker, the third family decanted was as a result of major works required to



1300 the roof of the property.

**Hon. E J Reyes:** Yes, but I see, Mr Speaker, that the Minister has listed that one as being a permanent decanting, so if that roof is being repaired is the Government not willing to offer that family the opportunity to return back to that home?

1305

**Hon. P J Balban:** For more specific... I would need to ask my staff but the actual supplementaries that were prepared for me state that... I mean, no doubt, I would think that the works required were so great that the family was permanently decanted, either because they just... I do not know the reasons why it was permanent. I would just assume that the works were too great to have them back. I would need to find out.

1310

If the hon. Gentleman writes to me, if he is very keen to know the particular details of that family in question, well, that circumstance in question, to let me know and I will find out the specifics.

1315

**Assigned Government rental homes  
Required repairs: details of allocations and assignments**

1320 **Mr Speaker:** Question 339, the Hon. Mr Edwin Reyes.

**Hon. E J Reyes:** Mr Speaker, sir, can the Minister for Housing provide details as to how many of the rental homes assigned so far in 2013 still require repairs to be undertaken, indicating how many will be repaired by: (a) the Housing Works Agency; (b) sub-contractors; and (c) the assigned tenants themselves?

1325

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Question 340.

1330

**Clerk:** Question 340, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide details in respect of how many rental homes have been; (a) allocated; and (b) assigned since the answer provided to Question No. 147/2013, showing the room composition of the respective homes?

1335

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1340 **Hon. P J Balban:** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 340**

**Answer to Question 339**

A total of 10 flats have been assigned so far in 2013. The repairs are to be undertaken by the following:

- (a) Housing Works Agency - 1
- (b) Sub-contractors - 6
- (c) The assigned tenants themselves - None.

The other three flats were, at the time the answer was provided, accepted. We are in the process of assigning them either to the Housing Works Agency or to a sub-contractor.

1345

Answer to Question 340

A total of 63 rental homes have been allocated and/or assigned as follows:

ALLOCATED	
1RKB	2
2RKB	12
3RKB	30
4RKB	9
5RKB	0
<b>TOTAL</b>	<b>53</b>

ASSIGNED	
1RKB	0
2RKB	1
3RKB	7
4RKB	2
5RKB	0
<b>TOTAL</b>	<b>10</b>

1350 **Mr Speaker:** Does the Hon. Minister have any supplementaries – the hon. Member, sorry – have any supplementaries?

**Hon. E J Reyes:** Yes, Mr Speaker does the Minister have information pertaining to, in the first part of his answer, under (b) sub-contractors, there are six of them, does he have any information in respect of who these sub-contractors are?

1355 **Hon. P J Balban:** Mr Speaker, no, unfortunately not.

1360 **Hon. E J Reyes:** Would the Minister accept, Mr Speaker, that if I wrote to him, he will he give me the details of the six sub-contractors and I will throw in, as well, an indication of the estimates costs that will entail. Can we come to that gentleman's agreement, sir?

**Hon. P J Balban:** Mr Speaker, yes, if the hon. Member cares to write to me, I will provide him with the names of those six sub-contractors.

1365 **Hon. E J Reyes:** Mr Speaker, so that it is for the future record, and especially on *Hansard*.

I accept the note that the other three flats were, at the time the answer was provided, accepted. Then they are in the process now of assigning them either to the Housing Works Agency or to a sub-contractor. In order that we have updated information... perhaps the Minister, once he knows exactly they are going to be the Housing Works Agency or sub-contractor, or in what ratio between the two of them, how can we get that information and therefore it becomes part of the Parliamentary record?

1370 **Hon. P J Balban:** Mr Speaker, yes, I was very careful, when actually preparing the questions. Obviously, I was preparing these questions some time back and things can change so he can either pose the same question next month and we can give him an update or he can write to me and we can update that, if necessary, if there has been a change. There might not have been.

1375 **Clerk:** In writing to the Hon. Minister, that information will not be recorded in *Hansard*, so I think perhaps you might wish to consider asking the Question again next time.

1380 **Hon. E J Reyes:** Yes, Mr Speaker, thank you for that advice. I was conscious of that, which was why I looked with my school child type of smile for guidance for those who have been here far longer than I have. Yes, I shall consider that, Mr Speaker, and then take a decision whether I wish to write or to pose it in the next parliamentary session.

1385 **Clerk:** Question 341 has already been answered in a previous sitting, so we are now going to proceed to Question 385, and those are Questions which are going to be posed to the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.  
385.

1390 **EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

**Companies Registry  
Number of company incorporations in 2012-13**

1395 **Clerk:** Question 385, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Education, Financial Services,

1400 Gaming, Telecommunications and Justice say how many new companies were incorporated in Gibraltar by the Companies Registry in 2012 and 2013?

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

1405 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the new companies incorporated in Gibraltar by the Companies Registry in 2012 and 2013 are as follows: 2012 – 1,912; 2013 up to the end of April of this year – 170.

1410 **Mr Speaker:** Any supplementary? No.

**Companies Registry  
Number of company liquidations in 2012-13**

1415 **Clerk:** Question 386, the Hon. S M Figueras.

1420 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice say how many Gibraltar companies (a) commenced liquidation proceedings and (b) were liquidated in 2012 and 2013?

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

1425 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, in answer to part (a) of the Question, 228 Gibraltar Companies commenced liquidation proceedings in 2012, and 65 companies commenced liquidation proceedings in 2013 – so far in 2013. That is January to April. Part (b), 146 companies were liquidated in 2012 and 50 companies have been liquidated in 2013, again January to April.

1430

**Financial Services Commission  
Company / Investment Fund statistics for 2012-13**

1435 **Clerk:** Question 387, the Hon. S M Figueras.

1440 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice say how many new Gibraltar companies or entities were licensed by FSC in 2012 and 2013 (excluding the extension of licences of existing licensed companies) providing a breakdown by class (i.e. professional trustee, insurer, bank)?

1445 **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 I will answer this Question together with Questions 388, 389, 390, 391 and 392/2013.

1450 **Clerk:** Question 388.

1455 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many Gibraltar companies or entities surrendered their FSC licences in 2012 and 2013?

**Clerk:** Question 389.

1460 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many FSC regulated companies or entities ceased trading but are not subject to liquidation or bankruptcy proceedings in 2012 and 2013?

**Clerk:** Question 390.

1465 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many FSC regulated companies or entities were subject to liquidation or bankruptcy proceedings in 2012 and 2013?

**Clerk:** Question 391.

1470 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice please provide a list to this House of investment funds liquidated in 2012 and 2013?

**Clerk:** Question 392.

1475 **Hon S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many investment funds surrendered their authorisation or licence in 2012 and 2013?

1480 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Hon. G H Licudi:** Mr Speaker, the statistical information requested by the hon. Member is set out in the schedule that I now hand to him.

**SCHEDULE TO QUESTION 392/2013**

**FINANCIAL SERVICES LICENCES**

Summary	2012			2013		
	Q387 Granted	Q388 & Q392 Surrendered	Q390 & Q391 Liquidation	Q388 Granted	Q388 & Q392 Surrendered	Q390 & Q391 Liquidation
Audit Firms	1	2	0	1	0	0
Statutory Auditors	7	13	0	2	5	0
Representative Offices (banks)	0	2	0	0	0	0
Banks	0	1	0	0	1	0
E-Money Firms	2	0	0	0	0	0
Consumer Credit	3	2	0	0	0	0
Collective Investment Scheme Operators	1	1	0	0	0	0
Experienced Investor Funds	24	16	0	7	8	0
Sub-Funds	31	23	0	9	4	0
EIF Directors	11	11	0	1	2	0
Insurance Companies	3	1	0	1	2	3
Insurance Intermediaries	5	1	0	2	3	0
Insurance Managers	1	0	0	0	0	0
Company Managers	12	20	0	13	15	0
Professional Trustees	0	2	0	0	2	0
Bureau de Change	1	1	0	0	0	0
MIFID	3	2	0	3	3	0
MIFID Branches	2	1	0	0	0	0
Pension Schemes	0	0	0	0	1	0
	107	99	0	39	46	3

1490 With regard to Questions 389 and 390, the Government is not able to say how many FSC regulated companies or entities ceased trading or were subject to liquidation or bankruptcy proceedings in 2012 or 2013 *after* they surrendered their licences. Perhaps I should explain a little bit more about that last remark.

1495 Mr Speaker, the hon. Member – and I see that he is getting the schedule now – if the hon. Member looks at the schedule, there is a column which is headed ‘liquidation’, and at the last column of that schedule – 2013 – the hon. Member will see three companies in liquidation – that relates to insurance companies – and these are companies that commenced liquidation proceedings without surrendering their licences. What happens *after* they surrender their licence we are not able to say.

Perhaps we can assume, and it is only speculation and an assumption, that if an entity, all it does is FSC-regulated activity, and it surrenders its licence then that entity or that company ceases to trade.

1500 There are some... for example, in the headings, the hon. Members will see ‘EIF Directors’. The fact that an EIF Director surrenders a particular licence, as an EIF Director, does not mean that that person ceases trading altogether. Equally, we are not able to say, *after* they cease trading, which of the companies have actually commenced liquidation proceedings.

1505 The hon. Member will have had, in answer to an earlier Question, the numbers which have  
commenced liquidation proceedings and the numbers liquidated in 2012 and 2013. It is not possible to  
correlate those numbers with a surrender of licences unless we went through each particular file, looked  
at each company that had commenced liquidation proceedings or had been liquidated, checked whether  
they had been an FSC-regulated entity and surrendered their licence and then I would be able to give that  
list. So that is why I have qualified the answer by saying that we are not able to say how many of these  
companies, *after* they surrender their licences, actually cease trading or are subject to liquidation  
proceedings.

1510

**Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer.

1515 One particular number that stands out in relation to what has gone off 2013... and that is the column of  
company managers in relation to Question 388 and 392 surrendered, and that is 15. It is a significant  
number and I wonder whether, perhaps, the Minister can offer some indication of why that number is  
quite so significant. I am certainly not aware of reasons for that, and if he is not and he requires notice of  
it, then I will be happy to provide him with it at the next session.

1520 **Hon. G H Licudi:** Mr Speaker, I am not aware of the *specific* reasons, but what I have looked is at the  
trend over the last few years, and the fact that the numbers that stand out are company managers is a case  
in point in 2009, 2010 and 2011. In 2010, for example, there were 20 company managers licences granted  
and 38 surrendered, so that seems to be a common trend over the years, but if the hon. Member wants  
more specific information about these particular company managers, I will be happy provide it if he were  
to write to me or give me notice.

1525

**Mr Speaker:** Any other supplementary arising from those numerous questions?  
Next Question.

1530

**ECJ ruling on Jyske Bank  
Implications for financial sector**

**Mr Speaker:** Question 393, the Hon. Mr Figueras.

1535

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

Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and  
Justice set out the Government's assessment of the impact of the recent ruling by the European Court of  
Justice in the Jyske Bank matter, case C-212/11, for local banks and other financial services providers?

1540

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

1545 **Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice**  
**(Hon. G H Licudi):** Mr Speaker, this matter is still the subject of proceedings in the Spanish Courts. An  
assessment of the impact of the ruling will be made once those proceedings are concluded. I will,  
however, be happy to give the hon. Member the Government's initial assessment but I am hesitant to do  
so publicly, given that there are ongoing proceedings. There are, in fact, live issues in those proceedings  
still.

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**Hon. S M Figueras:** I am grateful for the Hon. Minister's reply in this context and I am alive to those  
issues.

I will happily take him up on the offer of the discussion behind the Speaker's Chair. I am grateful.

1555

**IOSCO Multilateral Memorandum of Understanding  
Government legislation to enable signature**

1560

**Mr Speaker:** Question 394, the Hon. Selwyn Figueras.

**Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Minister for Education, Financial Services,  
Gaming, Telecommunications and Justice say if the Government is now in a position to pass relevant  
legislation and thereby procure Gibraltar's removal from the IOSCO list of non-signatories to the

1565 Multilateral Memorandum of Understanding as soon as possible?

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

1570 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government expects to be in a position to publish a Command Paper with a draft of the relevant legislation soon.

1575 **Hon. S M Figueras:** Mr Speaker, can the Minister say when he expects... he has just soon, before he rises to repeat the answer. Is he in a position to say when, whether there is a timeframe in mind for this?

**Hon. G H Licudi:** Mr Speaker, I expect that to be within a matter of weeks.

1580 **Sex Offenders List  
Number of individuals**

**Mr Speaker:** Question 395, the Hon. Mrs I M Ellul-Hammond.

1585 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice say how many individuals are on the Sex Offenders List?

1590 **Mr Speaker:** 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, there are currently three persons on the Sex Offenders Register.

1595 **Rehabilitated sex offenders  
Monitoring in the community**

1600 **Mr Speaker:** Question 396, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice say what monitoring or spot checks are carried out on those who have served a sentence for sexual offences and are back in the community?

1605 **Mr Speaker:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1610 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, under Part 13 of the Crimes Act 2011 and subject to the provisions contained therein, in particular section 306, persons convicted of a sexual offence set out in Schedule 3 of the Act are liable to be placed on the Sex Offenders Register.

Persons on the Register become subject to a monitoring and visitation regime combining, at the RGP's discretion, pre-arranged visits and checks conducted without prior notification to the registered sex offender.

1615 The regularity of these visits and checks is determined by the assessed risk that the registered sex offender poses to the community. The risk assessment is undertaken by trained RGP officers, acting as designated Risk Managers at the time the individual is put on the Sex Offenders Register. Designated Risk Managers will put together a risk management plan. Those involved in the management of sex offenders may include, apart from the RGP, the Prison Service, the Care Agency, the Probation Service and the GHA.

1620 Persons who have been convicted of sexual offences, who have served their sentence and are back in the community, that do not meet the section 306 registration criteria may, nevertheless, become subject to inclusion in the RGP's Integrated Offender Management Programme, which incorporates all criminality. This is a new programme by the RGP which will be commenced shortly.

1625 As with the management of sex offenders, the Programme is based on risk assessment. Persons

assessed by Designated Risk Managers to pose a risk to society are approached by police, who may then recommend their inclusion in the Integrated Offender Management Programme. If the offender consents, they may then enter into an agreed programme designed to manage the risk of their re-offending. This is voluntary but the UK experience on which this programme is based shows a good proportion of engagement between offenders and the police service.

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In addition, there are provisions in the Crimes Act to deal with convicted sex offenders who are not captured by section 306 of the Act, provided that the offence for which they are convicted is included in Schedules 3 or 4 of the Act. Under section 326 of the Act, I, as Minister with responsibility for Justice, may direct the Attorney General to make an application to the Magistrates' Court for a Sexual Offences Prevention Order.

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The making of a Sexual Offences Prevention Order will lead to the individual being placed on the Sex Offenders Register and may include other conditions and restrictions.

The monitoring regime pursuant to a Sexual Offences Prevention Order is similar to the one for registered sex offenders, although frequency and intrusiveness may increase.

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It should be noted that Sexual Offences Prevention Orders can also be applied for in respect of sex offenders registered under section 306 of the Act when it is assessed that additional restrictions are required in order to protect the public or any particular member of the public from serious sexual harm.

Furthermore, under section 341 of the Act, which deals with sexual activity or sexual communications with children, I, as Minister with responsibility for Justice, may direct the Attorney General to make an application to the Magistrates' Court for a Risk of Sexual Harm Order.

1645

Here again, the monitoring regime pursuant to a Risk of Sexual Harm Order is similar to that exercised in respect of registered sex offenders and is designed to protect children from harm from the defendant.

Applications for a Sexual Offences Prevention Order and a Risk of Sexual Harm Order can be made, provided that the statutory criteria is satisfied, regardless of the date when the offence was committed, whether it was committed before or after the coming into force of the Act and whether the offence was committed in Gibraltar or abroad.

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**Hon. D A Feetham:** Mr Speaker, the Hon. the Minister for Justice has broken it down into various categories and, broadly speaking, one of those categories are offenders that may be subject to the Crimes Act, but then, of course, there are offenders that because the Crimes Act came into operation subsequent to them, for example, leaving H M Prison, many of these provisions – I think all of them, but I will be corrected if I am wrong, I have not actually looked at whether some of these Prevention Orders actually apply retrospectively – may I please – regardless of the legislative changes that the Government made, in order not to make the Sexual Offenders Register retrospective last year.

1655

He may recall that, of course, the Crimes Act has only become operational towards... it was sometime – November of last year, thank you very much. Prior to that, of course, the Government had taken the decision not to make the Sexual Offenders Register retrospective and, as part of the arguments that the Government then deployed justifying that, the Government said well, the Police do monitor these people.

1660

Now, I note that in the answer you said that there is going to be a programme of monitoring for those who are not covered by the Crimes Act, shortly, but what is the position in relation to monitoring of those individuals at the present moment prior to the new policy being introduced? Because, of course, it was that very same argument, the fact that these people are monitored anyway, the argument that was deployed by the Government in order to justify amending the legislation so as not to make the Sexual Offenders Register retrospective.

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1670

**Hon. G H Licudi:** Mr Speaker, the premise upon which the hon. Member asked the supplementary is completely mistaken. He started by saying many of these provisions and these orders do not apply retrospectively before the coming into force of the Act.

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The hon. Member had heard the last couple of sentences, or indeed the last sentence of the answer that I gave and I will repeat it for his benefit. Applications for a Sexual Offences Prevention Order and for a Risk of Sexual Harm Order can be made, provided that the statutory criteria is satisfied, *regardless* of the date when the offence was committed, whether it was committed before or after the coming into force of the Act and whether the offence was committed in Gibraltar or abroad. This deals with the issue that I know the hon. Member raised in press releases at the time, when we were having this discussion, and we even considered this matter in this House, as to whether these Orders were available or whether there was any protection from people coming from abroad and whether anything could be done to protect the public from harm in respect of offences committed prior to the coming into force of the Act.

1680

These Orders are available where the Royal Gibraltar Police assesses, through the designated Risk Managers, assesses that there is a risk in respect of *any* type of criminality. This does not just apply to sexual offences. It applies to offences in Schedule 3, which are the sexual offences and Schedule 4, which are wider offences, as the hon. Member will know. If there is a risk of sexual harm or sexual offences

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1690 being committed, then an application can be made and I, as Minister for Justice, can direct the Attorney General to make that application and that application, as I have said, can be made regardless and is completely unaffected... The provisions that I have quoted in respect of these type of Orders are completely unaffected by the amendment that the Government made, I seem to recall it was last year, in relation to these provisions. Those amendments only affect the issue of automatic notification.

1695 The second part of the supplementary talks about monitoring. What we said last year was that persons who have been convicted of offences previously are known to the Police. If the Police, therefore, assess that people who are known to the Police involve any kind of risk which justifies an application to the Court, we have the statutory mechanism for the Police, after having assessed that risk, to advise me and, if I am satisfied that an application needs to be made to the Court, then I will direct the Attorney General to make that application to the Court. Therefore we consider that all the bases are covered.

1700 The hon. Member has mentioned that the Integrated Offender Management Programme is due to be commenced shortly but that is a separate issue. That is a specific programme which is modelled on what exists in the UK and it affects all types of criminality and that involves engagement with the offender. It involves coming to an agreement with the offender for the monitoring in the future of that offender and that involves monitoring for the purposes of reducing any risk of re-offending. It is part of a rehabilitation process of the offender and I am sure the hon. Member will be glad that such a programme will be put into place and will wish the RGP generally every success in reducing the risk of re-offending and the rehabilitation provisions which they are intended to address.

**Hon. D A Feetham:** Mr Speaker, of course I do and I think that it is a worthwhile programme indeed.

1710 But, with respect, he has not really answered the question. I quite understand what you are saying, that last year it was possible for the RGP to advise you that there is a particular individual who is particularly dangerous and therefore ask you to make an Order, actually, as from November of last year – that is when we introduced the Crimes Act, sorry, the Crimes Act was brought into force, it was obviously introduced by us when we were in Government. I quite understand that the RGP advises you to make an application, you then make an application, but that is not the substance of the question that I am asking.

1715 What I am asking is... well, you decided to amend the legislation in order not to make the list retrospective and one of the arguments that you deployed in relation to that was, well, these people are sufficiently monitored now, anyway, without the Crimes Act. They are sufficiently monitored because this was pre-Crimes Act. They are monitored by the Police. Now the hon. Lady has asked a question about monitoring – what monitoring or spot checks are carried out and, of course, it appears to me, that actually until you introduce your very worthwhile scheme, the position in terms of monitoring continues to be the position in terms of monitoring that existed last year, save that, now, post- the Crimes Act, what you can have is a situation where the Police ask you to make an application.

1720 But I am not asking about applications, I am asking about monitoring because it is important to the community. What monitoring is actually taking place now and what monitoring was taking place last year to justify the Government's policy in terms of not making the list retrospective?

**Hon. G H Licudi:** Mr Speaker, it seems that the hon. Member is quite intent on re-opening the debate, notwithstanding that the debate, which we had last year, we have already had in Parliament and which was based on a full –

1730 **Mr Speaker:** Yes, and I must remind Members that they cannot go back to matters which have been debated here in the House within a given period.

1735 **Hon. D A Feetham:** Mr Speaker, this is not about me opening the debate on the amendment to the Sexual Offenders Register, it is the fact that the Government spoke about monitoring: she has asked the question, the hon. Lady has asked the question, about what monitoring takes place. We received an answer in relation to – which I have described as a very worthwhile initiative by the Government – as from the next few weeks they are going to up the monitoring structure or scheme for these types of individuals, but what monitoring actually takes place now, or took place a year ago? That is nothing to do with the debate that we had.

1740 **Mr Speaker:** Let us see if we can have an answer to that question.

1745 **Hon. G H Licudi:** Mr Speaker, let me say, first of all, that this is an initiative by the RGP. This is not something that the Government itself has looked at. It is certainly a laudable and worthwhile initiative but it is an initiative by the RGP.

The hon. Member says that last year we spoke about monitoring... I do not have the record of what we talked about last year but my recollection is that it was felt that the people who have committed offences previously are sufficiently known to the Police for the Police to be able to assess as and when they



1750 consider necessary, in respect of any type of criminality, whether or not those persons *should* be included  
in the Sexual Offences Prevention Order. So the only thing that has changed is that the *automatic*  
notification procedure in respect of previous offenders is not automatic, it is subject to the RGP making  
1755 an assessment of that risk, advising me of that risk and I, being satisfied of that risk, giving a direction to  
the Attorney General. So the automatic notification procedure has simply been changed to an assessment  
of risk procedure and an advice given to me and then an application is made to the Magistrates Court. We  
consider that that is the right approach, that that is the way to proceed, and I am not sure whether it is too  
early to say, but the system seems to be working.

1760 **Hon. D A Feetham:** Can the Minister for Justice allay any concerns that there may be in the  
community in relation to this and confirm to this House that this new scheme that is going to be  
introduced in order to, effectively, assess and monitor – and I think it is very worthwhile that one has a  
scheme that involves not only input from the Police but also from Social Services and any relevant  
1765 service that may be able to provide any worthwhile contribution in relation to these types of offenders –  
that this will also apply not only to offenders that are subject to the notification procedures – I think it is  
Section 306 – but also to those that the Government took off the Sexual Offenders Register when it  
changed the law? And that the scheme is going to be operated not only in relation to those individuals, the  
ones that have been removed, not only in relation to individuals that the RGP thinks may be a risk and  
advises the Minister to make an application, but also at a lower level because, Mr Speaker, in fact in order  
1770 to properly assess whether people pose a risk, you have obviously got to do a risk assessment? Therefore,  
my question is can the Minister confirm that this is going to be applicable across the board, whether you  
are on the Sexual Offenders Register or you are not on the Sexual Offenders Register?

1775 **Hon. G H Licudi:** Mr Speaker, let me correct, first of all, what the hon. Member has said in  
suggesting that the Government took certain people off the Sexual Offenders Register. Let us not forget  
that there was nobody on the Sexual Offenders Register when we came into office. The legislation had  
been passed but *they* decided not to commence it and, therefore, not to start a Sex Offenders Register  
before they left office. Even though they passed legislation in June, I seem to recall, by December that  
1780 had still not been commenced. So we certainly did not take anybody off the Sexual Offenders Register.  
What we have done is commence the provisions which have now led to certain people being included in  
the Sex Offenders Register.

And I can confirm, Mr Speaker, as the hon. Member has asked me to do, that this is a scheme that  
applies across the board. As I stated in the answer to the original question, it applies to all criminality and  
it does not depend on when a particular person was convicted. It certainly applies across the board, as the  
1785 hon. Member suggested it should. It certainly does.

1790 **Hon. D A Feetham:** Thank you, and the Minister is absolutely satisfied, is he, that none of the  
amendments that he made last year in relation to the Sexual Offender Register provisions of the Crimes  
Act, in order so that list is not made retrospectively – let us not forget the effect of that amendment was  
that it took out, from the scope of the legislation, some 24 individuals would have been within the scope  
of the legislation, had he not made the amendment that he brought to this House – is he satisfied that none  
of the amendments that he made last year to the Crimes Act will have a negative impact on the ability of  
the RGP to actually require these individuals to go through that kind of assessment which, of course, is a  
1795 very intrusive assessment? My gut feeling, in relation to something like that, is that it may require some  
sort of statutory underpinning to allow it. But I am just asking the hon. Gentleman whether he is satisfied  
that there is no impact.

1800 **Hon. G H Licudi:** Well, Mr Speaker, I am entirely satisfied that the statutory provisions which are in  
place and which were enacted by the hon. Member, and commenced by us, are sufficient in order to  
provide the protection which is necessary.

In respect of the persons that the hon. Member has indicated, if there are any of those individuals that  
are assessed by the Royal Gibraltar Police as posing any particular risk, such that certain restrictions  
should be included – and let us not forget that this is not just about inclusion on the Sexual Offenders  
Register, because the tools which are available now are tools to go to Court and include *restrictions* in  
1805 respect of what an individual can do or cannot do – and therefore I am entirely satisfied that those tools  
are available to the RGP, to myself as Minister for Justice, to the Attorney General, to make that  
application to the Court. Therefore, there is absolutely no need for any concern.

The hon. Member talks about concern in the community. It seems to me the only persons creating that  
concern are the hon. Members. There is no concern because the tools are there and can be used  
1810 effectively.

**Mr Speaker:** Any other supplementary?

**Adults working with children  
CRB checks in voluntary sector**

1815 **Clerk:** Question 397, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice explain what the process is for adults to be able to work with children in the voluntary sector. Do they require a licence to do so and how are Criminal Records Bureau, or CRB, checks conducted in Gibraltar?

1820 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1825 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there is currently no statutory provision requiring adults who wish to work with children in the voluntary sector to be licensed or formally vetted. The process of vetting adult volunteers is determined by the practices and policies of the organisation in question.

1830 It is open to an organisation to require the adult volunteer to provide a certificate of good conduct from the RGP or from the Criminal Records Bureau in the UK, or to authorise the organisation to vet the volunteer through RGP checks or to provide references. But the law does not expressly require them to do so.

1835 This is a gap in our legislation which has been identified by the Government. The Government is, therefore, already looking at the introduction of statutorily mandated vetting of adult volunteers who work with children and vulnerable adults.

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

1840 I know that the Care Agency conducts checks – obligatory checks – on its staff. Can the Minister confirm that, at present, the Education Department, GHA and other Government Departments where staff are in contact with children, also conduct obligatory checks?

**Hon. G H Licudi:** Mr Speaker, I am not sure whether the hon. Member is asking the question in respect of the same... I am not taking a Point of Order in respect of this; I just want to understand the question. The question was originally about those who work with children in the *voluntary* sector. The hon. Member has talked about people who work for the Care Agency.

1845 The Care Agency certainly conducts all those checks, as do all other Government Departments and authorities in respect of any person who is going to be engaged to work with children or vulnerable adults. That is a process that the Government always goes through.

1850 **Hon. D A Feetham:** Mr Speaker, the Minister, no doubt, is aware that, in the UK – and we did take this into account but we decided that we should keep them for the time being separate but open to review in the future – the UK has actually moved from having various lists, for example, a Sexual Offenders List and a list of people that are unsuitable to work with children. We have a list, we introduced a list of people who are unsuitable to work with children as part of the Children's Act and, of course, we passed the legislation through Parliament in relation to the Sexual Offenders Register...

1855 Is it part of the Government's future plans to consider whether to have one database, one list, kept in one central databank in relation to these issues or is that something that the Government is not considering?

1860 **Hon. G H Licudi:** Mr Speaker, this is the administration of the scheme that would be introduced and certainly the Government, in looking at the legislation, will look at how it should be administered and what the most effective way is.

1865 I am grateful for the comment on the possibility of one list and integrated database or the possibility of different lists. All those things will certainly be considered as part of the legislation that the Government is considering, in terms of what is the most effective way of putting that into practice.

**Transport for educational and sporting needs  
Increased provision**

1870 **Clerk:** Question 398, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education provide details of what plans the Government has to

1875 increase provision of transport for educational and sporting needs?

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

1880 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Department of Education has a dedicated twenty-two seater bus which is used for the schools' education and sporting needs. Additional transport facilities are provided whenever necessary, either by private operators or by the Gibraltar Bus Company. Arrangements with the Gibraltar Bus Company involve an extra bus which is operated during term time to take children from the Mid Harbours area to Sacred Heart School, an extra bus from Catalan Bay and an extra bus from the South District. On top of this, changes to bus route No. 1, which runs between Market Place and the Upper Town, means that the bus also picks up and drops off children from Mid Harbours.

1885 The Government considers that the current arrangements are adequate but will continue to monitor this and will increase transport facilities if this is thought to be necessary.

1890 **Hon. E J Reyes:** Mr Speaker, can the Minister confirm if, by now, we already have in place the driver for this twenty-two seater bus which, in previous answers, he said they were in the process of completing the selection procedure?

1895 **Hon. G H Licudi:** Mr Speaker, in respect of the specific person to be engaged as a driver, the selection process has been completed, a person has been selected and the information I had last week is that the appointment was simply subject to a medical. The person has already gone to the medical check-up and the Government is awaiting the results, or rather Human Resources Department is awaiting the results, simply to finalise the arrangements.

1900 I should say that, although that process has taken longer than perhaps I would have liked, we have had a driver available, both somebody who is employed by the Education Department and, when necessary, we have been able to call upon drivers employed in the Government's garage section.

Therefore it is not as if the bus has been idle all along but that selection process is almost complete and I very much hope that the driver will be engaged at the earliest possible opportunity.

1905

#### **National Institute for Adult Continuing Education Plans and timescale**

1910 **Clerk:** Question 399, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education say what plans and timescale this Government has to establish a National Institute for Adult Continuing Education as per their Manifesto commitments?

1915 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1920 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the position remains as stated in the answer to Question 900/2012.

**Mr Speaker:** Any supplementary?  
Next Question.

1925

#### **Old St Bernard's Hospital Conversion to school use**

1930 **Clerk:** Question 400, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education confirm if any section or sections of the old St. Bernard's Hospital will be converted into a school or schools in order to cater for the replacement of the present St. Bernard's First and/or Sacred Heart Middle Schools?

1935 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming,

Telecommunications and Justice.

1940 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government is working on plans for the old St. Bernard's Hospital site and an announcement will be made soon.

**Hon. E J Reyes:** Therefore, Mr Speaker, there are no concrete plans yet that the Minister could inform us in respect of the future for St. Bernard's First and Sacred Heart Middle Schools.

1945 **Hon. G H Licudi:** Mr Speaker, I expect to be in a position to make an announcement on this very soon, certainly before the House next meets.

1950 **Old St Bernard's Hospital  
Demolition of ex-Sisters' quarters**

**Clerk:** Question 401, the Hon. E J Reyes.

1955 **Hon. E J Reyes:** Can Government confirm if they have any plans to knock down the ex-Sisters' quarters at the old St. Bernard's Hospital and, if so, provide details of such plans.

1960 **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 does not plan to knock down the ex-Sisters' quarters at the old St. Bernard's Hospital.

1965

**School drop-out rate  
Academic year 2012-13**

1970 **Clerk:** Question 402 the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education state how many 15-year olds have dropped out of school so far during the academic year 2012-13, providing a breakdown by school?

1975 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1980 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, fourteen 15-year olds have dropped out of school during the current academic year, ten from Bayside and four from Westside.

1985 **Countering tax evasion  
Formal mechanisms**

**Clerk:** Question 403, the Hon. P R Caruana.

1990 **Hon. P R Caruana:** Mr Speaker, can the Government say whether it will enter into a FATCA agreement with the United States of America?

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

1995 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer this Question together with Questions 404 and 405/2013.

**Clerk:** Question 404.

2000 **Hon. P R Caruana:** Mr Speaker, can the Government say what is the formal mechanism by which Gibraltar is subscribing to the G5 pilot multilateral automatic exchange of tax information with the United Kingdom, France, Germany, Spain and Italy and when will its provisions become binding on Gibraltar?

2005 **Clerk:** Question 405.

2010 **Hon. P R Caruana:** Mr Speaker, in its Press Release No. 289/2013, dated 2nd May, the Government said that 'the other element in eliminating any remaining hiding places is to improve the availability of information on beneficial ownership' and that the Government was committed 'taking this agenda forward'. Can the Government say what measures it envisages to take this agenda forward?

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

2015 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, on 2nd May 2013 the Government issued a press release entitled Eradicating Tax Evasion in which, *inter alia*, it stated that Gibraltar was committed to entering into a FATCA agreement with the United States of America. In that press release the Government also announced that it has committed to being part of the pilot multilateral automatic exchange of tax information with the UK, France, Germany, Spain and Italy. The manner in which that pilot will come into effect is still not finalised. The Government will be having further discussions with the UK on the formal mechanism by which Gibraltar will subscribe to the pilot, as well as on the timing of the implementation of the pilot.

2020 The Government has also committed to taking forward the agenda on the availability of information on beneficial ownership in the context of the fight against tax evasion and fraud. It is right that criminals should not be able to hide behind structures to evade their responsibility to pay tax. The whole agenda on transparency and on exchange of information for tax purposes is based precisely on that premise. Gibraltar will continue to take such measures as may be necessary as part of a global strategy against tax evasion. Gibraltar will therefore continue to negotiate and sign Tax Information Exchange Agreements to build on the twenty-six TIEAs which have already been signed. Gibraltar will continue to work with, and assist, the OECD in Phase 2 of the peer review, which is expected to commence in 2014.

2025 It will be recalled that the report following Phase 1 of the review was, to a very significant extent, favourable to Gibraltar. There were several recommendations made which Gibraltar has not only taken on board but has passed the necessary legislation in the form of amendments to the Companies Act, the Trustees Act and the Partnership Act. These amendments create statutory requirements in relation to the keeping of proper books of account and the maintenance of records identifying settlors, trustees and beneficiaries of trusts. The legislation also abolishes share warrants to bearer.

2030 In addition, the Government introduced legislation earlier this year to transpose the new Mutual Assistance Directive – that is, EU Directive 2011/16. As confirmed to us by the OECD, this includes TIEA-equivalent provisions with all EU States. This is in addition to the bilateral TIEAs which we already have with some EU States. It is thus now open to all EU States, including Spain, to make a TIEA or TIEA-equivalent request to Gibraltar. This legislation also provides for some automatic exchange of information as from 1st January 2015.

2035 Gibraltar thus complies with all international standards and requirements and is at the forefront of the global fight against tax evasion. We will continue with this agenda as we have shown with our commitment with a FATCA agreement with the US, a FATCA style agreement with the UK and being part of the pilot on automatic exchange of information with the EU G5 countries.

2040 Gibraltar is a part of a group of nations setting the standards for the eradication of tax evasion. In doing so, Gibraltar has emphasised the fundamental importance of maintaining a level playing field in the international financial services area and the need to take firm enforcement action against non-compliance. The Government is equally committed to act in consultation with the financial services industry in Gibraltar when addressing all of these issues.

2045 **Hon. P R Caruana:** Well, Mr Speaker, there is no doubting the international political momentum behind the campaign to eradicate what the Hon. Minister refers to as illegal activity and I think it is right that Gibraltar should not be left in any sort of exceptional category in that and that was certainly my policy when I had the ministerial responsibility that he now has for Financial Services and I am sure that the Hon. Minister was not intending to suggest, when he says that the signing up to the public availability of information on beneficial ownership, reflected any desire that Gibraltar should not be a place where criminals can hide their ill-gotten gains or words that he may have used to that effect.

2060 We have not had such a regime in the past and, of course, much as we are willing to subscribe to  
 changing international consensuses, by the same token we are not recognising that the last fifty years of  
 our financial services industry has been based on ‘harbouring criminal activity’. The fact that the  
 international community changes the goalposts is not to suddenly and retrospectively criminalise what we  
 2065 were all doing at a time that the international community had not yet moved the goal posts to cover it. I  
 think it is important that, as we move along with the times, we do so in terms that does not signal, sort of,  
 historical unacceptable behaviour.

But can I just ask the hon. Member by way of supplementary – and I apologise for that long preamble  
 – a supplementary in relation to Question 403, whether the hon. Member is able to give the House any  
 2070 assurance that, having committed to a FATCA agreement with the US, whether the Government will  
 insist on this being a direct arrangement, a direct agreement, between the Gibraltar Government and the  
 United States Government and that it will be signed by the Gibraltar Government and it will not be  
 Gibraltar having extended to it the UK’s Agreement with the United States on FATCA?

2075 **Hon. G H Licudi:** Mr Speaker, I entirely agree with the preamble which the hon. Member has  
 indicated, has set out, which suggests that these are not new measures which in any way signal that  
 Gibraltar was something different in the past, that in Gibraltar, ill-gotten gains could be hidden away  
 because that is something that Gibraltar has not played a part in for many, many years. But there is, as the  
 hon. Member has again alluded to, a global agenda on this. There are things which are moving at a pace  
 2080 and which Gibraltar is a part of, so there are new initiatives being taken as part of the agenda which  
 Gibraltar has already put in place in respect of our own provisions on anti-money laundering, on anti-  
 terrorist financing and all the measures that we have taken previously to make sure that tax evasion has  
 absolutely no place in a jurisdiction such as ours, such as Gibraltar.

With regard to the FATCA Agreement, I can confirm to the hon. Member that the contact we have  
 2085 had in relation to FATCA has been direct with the United States. In fact, the first contact where we had a  
 discussion was in South Africa, where I attended the OECD Global Forum on Transparency and Tax  
 Information Exchange, where the US Representative was there and made a presentation and a speech in  
 relation to FATCA and we had an engagement with the US Representative directly at that time. It was  
 followed by a press release, I seem to recall, the following week by the United States, which  
 2090 acknowledged that it was already engaging in discussions with Gibraltar in relation to this. So it is  
 certainly our intention to continue to have these discussions with the United States, to finalise the terms of  
 the arrangement, and to sign up directly with the United States and not in the form of any kind of  
 extension to any existing Agreement. That is certainly Gibraltar’s intention and it is Gibraltar’s  
 commitment, as well, to do it in that particular way.

2095 **Chief Minister (Hon. F R Picardo):** If the hon. Gentleman will just allow me to say something in  
 respect of how he couched his preliminary remarks.

The hon. Gentleman said that Gibraltar was not in an exceptional category, or should not be seen to be  
 in an exceptional category, but I think he will agree with me that Gibraltar, to a very great extent, *benefits*  
 2100 from being in one particular exceptional category and that is that we are the only one of the Overseas  
 Territories that, as a member of the European Union, has been complying with obligations emanating  
 from Brussels from the moment that we were required to comply with them.

If he will just allow me this comment, if he looks at exactly what it is that is *behind* the agenda today,  
 it is almost the G8 and the rump of the 27 Member States requiring that others play by the rules that they  
 2105 have set for themselves. And I think the exceptional category that Gibraltar is entitled to say it belongs to,  
 in respect of Overseas Territories financial services centres, is that we are the only Overseas Territory  
 financial services centre that has complied with the rules that have applied amongst the 27 Member States  
 of the European Union from the moment that we were required to comply with them. We are, therefore,  
 in a different category to those other territories that are now signing up to much of what we have been  
 complying with for some time.

2110 Of course, he knows and he will have seen, that a lot of what is being played out in the press, if I may  
 say so, is about the tax avoidance agenda, but when he looks at the detail of what it is that we are looking  
 at in terms of these agreements etc., it is the tax *evasion* agenda. There was a very salutary intervention  
 last week in the UK Parliament by one of the heads of HMRC, who told a Select Committee of MPs that  
 2115 they need to understand that tax avoidance is actually complying with the rules that are laid down by the  
 national Parliaments as to what it is that a particular individual or company needs to pay in respect of tax.

I think, Mr Speaker, it is important to have those things in mind when we look at where Gibraltar is on  
 the radar in respect of all those issues and where Gibraltar can expect to sometimes be seen as a class  
 apart. It is sometimes unfortunate when we are listed just with other Overseas Territories and I am sure  
 2120 his battle when he had the hon. Member’s portfolio and my portfolio for Finance, was very often actually  
 to *show* that Gibraltar was *apart* and not just one of the list of Overseas Territories that deals in financial  
 services.

2125 **Hon. P R Caruana:** Well, of course, Mr Speaker, the exceptional category I was describing was the  
 negative one, in other words that we should not be in an exceptional, out of the mainstream... and thought  
 to be non-compliant. Of course, I do welcome what the Hon. the Chief Minister has now said, that  
 Gibraltar, having complied with a certain number of EU-related measures over the years, should indeed  
 2130 welcome a re-levelling up of the playing field in our favour, so to speak, by bringing others into a net  
 where we have been for some time: that is true. Whether this G5 European version of FATCA amounts to  
 no more than bringing others up to speed with where we already are, or whether it will take us all,  
 including us, further forward than where we currently are, in other words amount to *additional* measures,  
 2135 restrictions, disclosures, transparency, of course remains to be seen and takes me, if I may, to my first  
 supplementary to the Hon. Minister – I am grateful to the Chief Minister for his explanations to me in that  
 respect – whether the Hon. Minister is aware whether the UK Government has shared with him, what will  
 be the process for establishing the detailed content of the European version of FATCA. Is it identical to  
 the US version so, if we look at the US FATCA model agreement, is that what is going to emerge as the  
 intra-European version? Is there just a borrowing of the concepts but the detail may be very different and,  
 if it is the latter, is there a process now going to take place and has the Gibraltar Government been  
 offered, or promised or going to be allowed, any contribution, albeit through the UK, into that process?

2140 **Hon. G H Licudi:** Mr Speaker, it is our clear and firm understanding that what we are talking about  
 in relation to the pilot on Automatic Exchange between those G5 EU countries is essentially a European  
 FATCA, so it is to be modelled on the European FATCA... (*Interjection by Hon. P R Caruana*) Well, the  
 American FATCA, on which the UK FATCA-style arrangement is also going to be modelled. So we are  
 starting with the US FATCA, that is being transformed into a FATCA-style arrangement with the UK on  
 2145 the same basis and it is that which is also being used, as we understand it, as the model for the pilot with  
 the G5 countries.

Yes, Mr Speaker, perhaps I should also add that, as I mentioned in the original answer, we already had  
 provisions in the Mutual Assistance Directive, which we have already transposed, which involve  
 automatic exchange of information as from 1st January 2015. So, in a way, what has been proposed at a  
 European level with these G5 countries is an acceleration, on a pilot basis, of measures which we already  
 2150 have in place in our legislation.

**Hon. P R Caruana:** Finally, on this one, Mr Speaker, is the hon. Member able to tell me whether it  
 has been shared with him whether there is any intention that there should be an element of retrospection  
 to the European version of FATCA? I have in mind a situation where, for example, we just need to be  
 2155 careful where countries like Liechtenstein, having negotiated an agreement, for example, with the UK  
 that allows UK taxpayers who have arrangements in Liechtenstein to sort of regularise them, if I can just  
 use a neutral phrase, in a way that avoids them being criminalised as a result, that we should find  
 ourselves in a worse position: in other words, that customers of Gibraltar financial services should  
 suddenly find themselves, that the guillotine comes down one day without an opportunity to regularise,  
 2160 for example by the application of retrospective measures, without the same opportunity to regularise your  
 affairs ahead of incurring criminal sanction, that customers of Liechtenstein, by bilateral agreement, will  
 have had the opportunity to do.

There is a, sort of, tension there, indeed, I read – and the Hon. Minister may not have seen it, he may  
 be interested to know of it – I read the other day on an aeroplane some clever tax planner actually  
 2165 suggesting, in the context of all these initiatives of European FATCA, that the escape route for clients of  
 the Overseas Territories and Crown Dependencies was actually to now transfer their business to  
 Liechtenstein so that they can exit to the UK from Liechtenstein, rather than from Jersey, Guernsey or  
 Gibraltar because, in that way, they can take advantage of the Liechtenstein cleansing arrangements, if I  
 can call them that.

2170 Would the hon. Member consider raising this issue with the United Kingdom Government to see if  
 such a buffer period, or buffer arrangement, can be written into our arrangements with the UK and with  
 other European countries through the G5 pilot as well? It is not right that Liechtenstein should have an  
 advantage in that respect.

2175 **Hon. G H Licudi:** Mr Speaker, it is certainly true that *no* country should have an advantage over us in  
 any type of arrangement and that is why we say in both our press release and the answer that I have given  
 today that Gibraltar needs to be part of a group of nations and that there must be an international level  
 playing field of which Gibraltar forms part.

2180 Specifically on retrospection, let us not forget, Mr Speaker, that we are simply talking about exchange  
 of information, not the creation of new criminal penalties retrospectively and there is a general consensus  
 that, in respect of *criminal* investigations, there should be some retrospection, some element of  
 retrospection. The hon. Member may recall that we passed legislation, or we brought in legislation,  
 recently because we had a gap in respect of our TIEA requests which did not provide for the passing of

2185 information retrospectively in respect of a criminal investigation – that was a gap which we cured following a particular request. But it is *certainly* an issue that we will be raising with the United Kingdom and it is *certainly* an issue that we will be alive to and we will *certainly* not want any particular jurisdiction to have any kind of advantage over Gibraltar when Gibraltar forms part of these arrangements.

2190 **Hon. P R Caruana:** Mr Speaker, I have one supplementary to ask in relation to Question 405 but, just before I move to that, I mean this is an important issue, I appreciate that we are talking just about exchange of information and not the creation of offences but the question that will be pressing people who are suddenly caught out by a new initiative is, alright, if I decide to be compliant *as of now*, will  
2195 information about me from five years ago be subject to being disclosed under this arrangement. Now there is a difference there between the case where there is a specific request in the context of a criminal investigation which is undertaken – which is the case that he is referring to, where retrospection... there is a very big difference between that and *automatic* exchange of information, as a matter of wholesale compulsion, in respect of everybody, going back five years. In other words, here is everybody's banking  
2200 information in relation to Gibraltar for the last five years, French Finance Minister. You know, that is a wholly different situation and that is where Liechtenstein has got... Liechtenstein's deal with the UK allows, in respect of the past, people to extricate themselves from any uncomfortable place in which they may find themselves without the sanction of criminality, provided that, for the future, they do... and that is the disadvantage.

2205 But in respect of Question 405, can I just ask the Hon. Minister, I do not know if the hon. Member is aware – this is the question about... 405, as you will recall, is the question about the beneficial ownership transparency... The hon. Member may be aware that the internet is a-buzz today, online news about letters that the Prime Minister is alleged to have written to all the Overseas Territories, including our own, telling us to get our house in order and that transparency means, basically, that the beneficial ownership  
2210 of every company should be known. I think those words are actually quoted on the BBC website. My question was whether the hon. Member... I mean, alright, we know that the Government has signed up to transparency on this – and I know just how Governments come to sign up to these sorts of things: I have been there, I have got the T-shirt! – the hon. Members are now being made to wear the T-shirt and I hope they enjoy it more than I did. This is an inexorable direction of travel, and I acknowledge the difficulty involved in one jurisdiction resisting or, indeed, I do not agree that it is sensible that we should resist  
2215 in terms of the opprobrium that comes with it.

That said, is the hon. Member able to shed any light upon what form that will take? There are various models. There could be... the Prime Minister might have meant that the information of beneficial  
2220 ownerships of companies and trusts, I think they said, might just be available through private enquiry from one regulator, from one authority to the other, or I have also heard mooted the idea of a more public arrangement, a public register of these things. Is the Government aware yet of what may be involved, what sort of ideas are being mooted and is there anything that he can say to the House at this stage about this?

2225 **Hon. G H Licudi:** Mr Speaker, we are certainly aware of the letter that the hon. Member has referred to. The Chief Minister has received that letter and we have seen that letter.

As the hon. Member says, one of the important issues is that beneficial ownership should be known and that is absolutely right. Beneficial ownership –

2230 **Hon. P R Caruana:** I have not said that...

**Hon. G H Licudi:** Well, no, the quote, (**Hon. P R Caruana:** I see.) the apparent quote that the hon. Member said: beneficial ownership should be known. There should not be situations where structures are set up, either with financial services providers in Gibraltar or other kind of arrangements and that  
2235 beneficial ownership is not known... (*Interjection by Hon. P R Caruana*) Of course, people, yes, and we provide... (*Interjection by Hon. P R Caruana*) No, (*Laughter*) I am not talking of publicly. Beneficial ownership clearly needs to be known. One of the issues that we dealt with quite recently was the abolishing of bearer shares... That is a case in point, where it is important that that should be the case and beneficial ownership should be known.

2240 The hon. Member says that there are various possibilities being mooted. There is a possibility mooted of a central register, there is a possibility mooted of a public register, but these are just possibilities. I mean, Gibraltar will certainly be examining those possibilities with the United Kingdom but, in respect of the fundamental premise that everybody who deals with a corporate structure or trust structure should know where the beneficial interests in that lie and, therefore, if information were to be required to be  
2245 made available under whatever arrangement we make – whether it is a pilot, the UK FATCA, or the US FATCA – that the information should be known to that entity, then that is absolutely right. But, in terms



of where we are going to get to about those various possibilities, that is still clearly a matter that is being considered and there is nothing concrete at this stage.

The Chief Minister may want to add to that.

2250 **Hon. Chief Minister:** Mr Speaker, yes, I am grateful to the hon. Member for giving way.

The hon. Gentleman is right that this letter that has been sent to all Overseas Territories leaders raises this issue of beneficial ownership and how that is somehow going to be reflected and he will know from the agenda that was set out, I think, two or three weeks ago, which led to a press release also by us and by H M Treasury and some of the other Overseas Territories, where Gibraltar was actually specifically taken out of the list of all the other Overseas Territories and put in a paragraph on its own that dealt with all the issues that Gibraltar already complied with. This question of the beneficial ownership was already on the radar.

2260 I am happy to tell the hon. Gentleman that I have not detected anything, in the letter from the Prime Minister to me, that concerns me about where that agenda may be going because I agree that we – and that is how the Prime Minister put it – do need to know who is the beneficial owner of companies doing business, or trusts that own companies that do business, from each of our particular jurisdictions.

2265 Of course, this is where Gibraltar has already got the upper hand, because since 1994 when the anti-money laundering Directive first became an issue on the agenda, Gibraltar practitioners have had an obligation to know who the beneficial owners behind the structures that they are dealing with are. The question is whether we now take a further step and take that information as to beneficial ownership out of the hands exclusively of the practitioners and put it in some sort of central registry, but accessible *only*, accessible only to law enforcement agencies and tax enforcement agencies in the context of tax claims, and tax claims in that context would mean claims for tax due. In other words, somebody who has not managed to avoid a tax liability, has incurred a tax debt and there is now an attempt to understand where that individual has beneficially parked that potential tax liability in cash somewhere else.

2270 In that context, I think that a lot of this, Mr Speaker, is about finally levelling the playing field for Gibraltar and requiring many of the other Overseas Territories to do things that Gibraltar has not yet done and that further step of considering, because we are not being told that this is something that the G8, or that the European Union, has yet determined *must* happen, that the information as to beneficial ownership should pass from the hands of the practitioners into a central registry – but, even then, certainly not on the basis of automatic exchange. That is not where the agenda is at the moment. (*Interjection by Hon. P R Caruana*) I hope that is useful.

2280 **Hon. P R Caruana:** Yes, it is, and even more useful if he could answer this final question.

Can I safely interpret, can the House safely interpret, what he has just said as meaning that he is not aware of any plan to make this information about beneficial ownership which passes, as he has described it, from the practitioners to this central law enforcement – if it happens – but that he is not aware of any proposal or discussion to make it the subject matter of either public inspection ability or of automatic exchange, automatic and spontaneous supply at the end of the year like, for example, FATCA-style information?

2290 **Hon. Chief Minister:** Mr Speaker, I think it is fair to say that there are groups of countries that would wish to see that be automatic and groups of countries that do not necessarily agree that it should be an automatically accessible register. But, Mr Speaker, he will no doubt agree with me that this raises issues beyond tax.

2295 We have got to understand that the United Kingdom and the Overseas Territories and the Crown Dependencies are not Civil Law jurisdictions and, therefore, the concept of equity exists in our law, where people have rights of ownership that are not recorded in writing. Now, is it that the United Kingdom is saying that it is going to do away with centuries of law as to equitable ownership? I think that is also an issue to be flagged up when understanding how this could work. If it were to be made to work in a Civil Law-style system where everybody needs to have written down what their legal entitlements may be, this is then very easy to transpose to a register because the information exists elsewhere. He will know, as well as I do, Mr Speaker, that there are very complex trust arrangements which are often set up for reasons completely unrelated to taxation. Some of them may be set up for business purposes unrelated to taxation, complex ownership structures; some of them may be related to families and inheritances etc. and, of course, the very concept of the secret and the semi-secret trust of the United Kingdom – which had nothing to do with tax in the 19th century and had more to do with whether a particular individual had more than one mistress and more than one illegitimate child – you know, complexities beyond tax...

2300 Now, I do not see that the United Kingdom is saying we are going to do away with the concept of equity and that *all* beneficial ownership must be recorded. What I do see is that that which jurisdictions like Gibraltar have been doing, for the purposes of ensuring that *crimes* are not committed using companies and trusts as fronts – and, therefore, we have recorded the beneficial ownership behind those

2310 types of vehicles for those purposes – will now simply put that information either in the public domain, or very easily accessible, when there is no need, because of a tax claim being met, in a central register, or that that is even possible in all instances because of the concept of equity sometimes complicating the principle of beneficial ownership.

2315 The hon. Gentleman will have seen, as I have, that there have been articles in the press in the United Kingdom, they have been very critical of one particular device, which is that idea that you might designate a charity as the beneficiary of a trust, simply for the purposes of hiding those who might be the real ultimate beneficial owners, or the parties the trustees may wish to see, or trustees may be required to benefit, by settlors.

2320 That, I think, has created a lot of opprobrium in the United Kingdom, because charities' names have been taken in vain. The charities do not even know that they are named as beneficiaries of trusts. They sometimes do not even receive a benefit before they are removed, and all of this, I think, is playing to an agenda where, you know, where austerity is an issue in many Member States, and the rich or big companies are being seen to 'get away' with not paying their tax liabilities.

2325 Now, in everything that I have seen there are two types of approaches. One of which is: you will be able to access this information when the claims are made, because there is evasion, which is a criminal offence or fraud. And then there is another agenda that comes from some European countries, which is to say we should have *free* access to that information.

2330 He will know, as I do, and all practitioners in this field will know, that if there were to be registers of beneficial ownership available for free access by States whose taxes may have been *avoided*, not evaded, as a result of particular structures being used, then those registers will only show States how their laws have been avoided. In other words, not that any crimes have been committed, just that their laws are deficient by allowing particular structures to be set up to avoid taxation being paid.

2335 There is a tension there, but I do not see that the United Kingdom is *yet* of the view that this should be automatically available for exchange. Will the United Kingdom move towards that before the G8 meeting? Will it move towards that after the G8 meeting? These are issues that we all need to keep under constant review, always remembering that Gibraltar has been complying with the same obligations as the United Kingdom, as members of the European Union now, for the better part of 40 years.

**Hon. P R Caruana:** It will not escape him, of course, that the –

2340 **Mr Speaker:** Could I ask the hon. Members to endeavour to bring these very interesting exchanges to a conclusion.

**Hon. P R Caruana:** Well, my contribution will be that I will not ask my last supplementary.

2345 **Mr Speaker:** No, no, please do. Please do.

2350 **Hon. P R Caruana:** Yes, does the hon. Member acknowledge that the danger for us in particular is that, albeit that a register might only show that a law has been... French law, for example, has been successfully *avoided*, the danger is, for us, that because some countries regard Gibraltar, wrongly, as a tax haven, they automatically disregard *any* structure located in a tax haven, so then the distinction between evasion and avoidance is lost. Because they say if you are set up in Gibraltar or in the Channel Islands, I am not interested: it is yours. That is the danger.

2355 The hon. Member's analysis, shed of prejudices about places, is fine, but *coupled* with the prejudice about certain places, which is, to boot, reflected in some national laws – Spain's for example – puts us in a position where we are not free to argue the distinction, and clients here will not be free to argue the distinction that he has intellectually, correctly, made, but which, in practice, will not avail them.

2360 **Hon Chief Minister:** Yes, Mr Speaker, we are alive to those issues and that is why I told him that there are Civil Law countries that do not understand the concept of beneficial ownership in the same way that we do. Of course, he is right to add the layer that there are – and I think it is principally Civil Law – countries that also do not appreciate the distinction between evasion and avoidance, and simply have a view that, if you are *located* in a particular jurisdiction, then you are to be regarded as having been involved in something which cheats their exchequer. Those issues are all live issues, he will be happy to know.

2365 The letter from the Prime Minister does not look quite like the articles about the Prime Minister's letter. I am sure he has had that experience, as well. It is actually an invitation to be involved in a conference about these issues, to consider these matters further.

2370

**Financial Services Commission CEO  
Local appointment**

**Mr Speaker:** Question 406, the Hon. Mr Feetham.

2375

**Hon. D A Feetham:** Mr Speaker, is the Government's policy with regard to appointment of the new FSC CEO, that it would be desirable for the individual to be local?

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**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's position is that the person found to be most suitable for the job should be appointed as the new Chief Executive Officer of the FSC.

2385

**Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister for Financial Services and Gaming perhaps update the House on where we are with the recruitment of a new CEO for the Financial Services Commission?

2390

**Hon. G H Licudi:** Mr Speaker, as the hon. Member knows, it is the Commission that appoints, subject to the approval of the Minister with responsibility for Financial Services. As the hon. Member will know from public pronouncements, a UK firm has been engaged to assist in this process. The closing date, I cannot remember offhand, I seem to recall was the 17th May, so we have either just passed the closing date or are very close to the closing date for applications. So those who are now looking at this particular firm in the United Kingdom, will now be assessing and analysing the applications that will be made, or have been made, in order to make their recommendation to the Commission initially.

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**Company gaming licences  
Number granted and surrendered in 2012-13**

**Mr Speaker:** Question 407, the Hon. D A Feetham.

2405

**Hon. D A Feetham:** Mr Speaker, will the Government state how many new companies were issued with gaming licences by the Minister as licensing authority in 2012 and 2013?

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

2410

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, in 2012, 4 new...

**Mr Speaker:** You were going to answer together with 408.

2415

**Hon. G H Licudi:** Mr Speaker, I apologise, I will answer this question together with Question No. 408/2013.

**Clerk:** Question 408.

2420

**Hon. D A Feetham:** Mr Speaker, will the Government state how many existing Gibraltar gaming companies surrendered their licences or ceased trading in 2012 and 2013?

**Clerk:** Could I ask the hon. Member to repeat the Question again, please?

2425

**Hon. D A Feetham:** Will the Government state how many existing Gibraltar gaming companies surrendered their licences or ceased trading in 2012 and 2013?

2430

**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, in 2012 four new companies were issued with a total of five remote gambling licences, and one existing licensed company was issued with one additional remote gambling licence.

2435 One new company has been issued with one licence in 2013.

Two companies surrendered two licences in 2012. One was surrendered as part of a company restructure, which resulted in a new company being issued two licences. The other licence was surrendered as a result of the licensee selling the company to a new operator, which was issued with a new licence.

2440 In 2013, one company surrendered two of its four licences for operational reasons, and one other company ceased trading in Gibraltar.

**Hon. S M Figueras:** Mr Speaker, alive as I am to potential sensitivities, I wonder whether perhaps the Minister can say which licensee ceased trading. It was the last part of his answer in 2013?

2445

**Hon. G H Licudi:** Mr Speaker, the company that surrendered its licence was Partouche. Partouche is a French, mostly land-based casino operator. They obtained their licence in 2008 in anticipation of providing a French-focused operation. The reality is that the operation never took off and they never had more than a handful of employees in Gibraltar, and they have now decided... In fact, I am not sure whether... I did not actually say that the company 'surrendered' its licence: the company ceased trading. It simply did not renew its licence when it came up for renewal. So it did not actually surrender the licence.

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2455

**Financial and Gaming Sector  
Details of conference attendances**

**Clerk:** Question 409, the Hon. D A Feetham.

2460

**Hon. D A Feetham:** Mr Speaker, can the Government please provide a list of all conferences, seminars and events attended by Government (including Ministers) in the Financial and Gaming Sectors in 2012 and 2013, listing each one, who attended at Government expense and the cost involved?

2465 **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 information requested by the hon. Member is set out in the schedule that I now hand to him.

**ANSWER TO QUESTION 409**

2012			
Date	Event	Attendees	Costs
23 - 27 January 2012	International Casino Exhibition and Conference (ICE) in London	The Hon Gilbert Licudi QC, Gambling Commissioner (Mr P Brear) and Gambling Division staff (Mrs L Britto, Mr N Macias, Mr P Fox and Mr D Montegriffo)	£4,626.00
21 - 24 February 2012	Finance Centre Event - attending presentation in London and meeting journalists	The Hon Gilbert Licudi QC and Finance Centre Director (Mr J Tipping)	£3,622.27
14 - 21 April 2012	European Commission seminars in Brussels - Gaming	Gambling Commissioner (Mr P Brear)	£972.00
19 - 30 April 2012	Attending Las Vegas and San Francisco (GiGse)	The Hon Gilbert Licudi QC and Gambling Commissioner (Mr P Brear)	£12,264.28
16 - 19 May 2012	Vienna - 2nd annual meeting dialogue and cooperation for change	The Hon Gilbert Licudi QC	£747.18
22 May 2012	OGIS Welcome Reception at the Garrison Library	The Hon Gilbert Licudi, Mr Guy Canessa, Mrs Nyoka Catania, Mrs Sabrina Rammage and Mrs Maite Mir Parody	£940.00
22 - 25 May 2012	iGaming Conference in Dublin	Gambling Division staff (Mrs L Britto and Mr N Macias)	£1,638.00
12 - 17 June 2012	Gambling Regulators European Forum (GREF) in Portugal	Gambling Commissioner (Mr P Brear)	£1,910.00
18 - 19 June 2012	Monaco - Financial Services GAIM conference. Leading hedge fund and alternative investment management event.	The Hon Gilbert Licudi QC and Finance Centre Director (Mr J Tipping)	£18,885.10
08 - 13 September 2012	Canada - World Lottery Summit	Mr C Riddell	£3,111.07
9 - 12 October 2012	Invest '12 Forum in Geneva	Mr James Tipping	£1,892.93

Cont....

**CONTD ANSWER TO QUESTION 409**

14 - 16 October 2012	Gib Day in London and Financial Services Lunch / MEFS Interview with Bloomberg TV, MEFS Presentation at a GFIA Breakfast Seminar and MEFS Interview with UK Journalists	The Hon Gilbert Licudi QC, Finance Centre Director (Mr J Tipping), Mr J Baldachino, Mrs S Ramagge and Mrs M Parody	£38,672.43
16 - 17 October 2012	EiG Barcelona (European iGaming Conference)	The Hon Gilbert Licudi QC	£1,861.76
16 - 27 October 2012	EiG Barcelona (European iGaming Conference), International Association of Gaming Regulators and International Association of Gaming Associates in Singapore	Gambling Commissioner (Mr P Brear)	£4,944.00
12-15 November 2012	European Captive Forum 2012 in Luxembourg	Mr James Tipping, Mrs Nyoka Catania and Mrs Joanne Martinez	£5,680.15
27 - 29 November 2012	European Commission seminars in Brussels - Gaming	Gambling Commissioner (Mr P Brear)	£1,145.00

2013			
Date	Event	Attendees	Travelling Costs
04 - 08 February 2013	International Casino Exhibition and Conference (ICE) in London	Gambling Commissioner (Mr P Brear) and Gambling Division staff (Mrs L Britto, Mr N Macias, Mr P Fox, Mr D Montegriffo)	£4,725.00
05 - 08 February 2013	I.C.E. And Fonds Exhibition and Conference Zurich	The Hon Gilbert Licudi QC	£2,018.49
30 January - 01 February 2013	India Wealth Forum in London	The Hon Gilbert Licudi QC, Finance Centre Director (Mr J Tipping), Mr M Aston and Ms Edwina Omahony	£4,586.20
05 - 08 February 2013	Fonds Exhibition and Conference in Zurich	Mr James Tipping, Mrs Maite Mir Parody and Mrs Joanne Martinez	£6,921.35

Cont...

**CONTD ANSWER TO QUESTION 409**

11 - 13 February 2013	Captive Live Exhibition and Conference in London	Mr Michael Ashton, Mrs Nyoka Catania and Mrs Nadiuska Segovia	£11,200.88
12 - 14 February 2013	Round Table AIFMD Presentation in London	Mr James Tipping	£1,232.98
14 - 22 March 2013	Brazil - Hedge Fund Forum	The Hon Gilbert Licudi QC and Finance Centre Director (Mr J Tipping)	£17,393.42
17 - 18 March 2013	GamCare presentation in London	Gambling Regulator (Mr N Macias)	£441.00
23 - 25 April 2013	Hedge Fund Start-up Exhibition and Conference in London	Mr James Tipping, Mr Paul Astengo and Ms Edwina Omahony	£7,680.12
07 - 08 June 2013	European Commission Seminars/MEP Meeting in Brussels	Gambling Commissioner (Mr P Brear)	£1,369.00

2470

**Mr Speaker:** This is a rather lengthy schedule. I will allow hon. Members of the Opposition to study it and raise supplementaries subsequently.

I think we can now move on to the next Question because it involves another Minister.  
Question 343.

2475

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if it is of any use, I am going to move the adjournment now so hon. Members may wish to come back with supplementaries when we return.

2480

**Mr Speaker:** We are on supplementaries, then, arising from Question 409.

**Hon. G H Licudi:** Mr Speaker, I understand that my microphone was not on when I read out the answer. Perhaps I can just answer it again and this is to 409.

The information requested by the hon. Member is set out in the schedule that I now hand to him.

2485

**ADJOURNMENT**

2490

**Chief Minister (Hon. F R Picardo):** Mr. Speaker, I move that the House do now adjourn to Thursday, 23rd May at 2.30 p.m.

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to Thursday, 23rd June (**Hon. Chief Minister:** May.) 23rd May at 3.00 p.m. (**Hon. Chief Minister:** 2.30 p.m.) At 2.30 p.m.

2495

**Hon. D A Feetham:** Mr Speaker, did you say Thursday 23rd?

2500 **Mr Speaker:** Yes. I now put the question, which is that this House do now adjourn to Thursday, 23rd May at 2.30 p.m.

Having confirmed that Thursday is 23rd May, (*Laughter*) I now put the question, which is that this House do now adjourn to that date at 2.30 p.m.

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

The House will now adjourn to Thursday, 23rd May at 2.30 p.m.

2505

*The House adjourned at 6.10 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.30 p.m. – 6.10 p.m.

Gibraltar, Thursday, 23rd May 2013

## The Gibraltar Parliament

*The Parliament met at 2.30 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

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

## Questions for Oral Answer

**Clerk:** Mr Speaker. Sitting of Parliament, Thursday 23rd May, answers to Questions continue.

### Commonwealth Park Cost of consultants, alternative parking and soil contamination

5 **Clerk:** Question 246/2013, the Hon. J J Netto.

10 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment confirm the total amount of money paid to consultants since 9th December 2011 in relation to the Commonwealth Park, indicating the dates of individual payments and their corresponding amounts and say whether the Minister thinks that further work by the consultant is required. Further, can the Minister provide this Parliament with an executive summary of the salient points contained within any and all reports prepared by the said consultants?

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

15 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Question Nos. 247 and 248/2013.

**Clerk:** Question 247.

20 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide Parliament with a timeline for the completion of the Commonwealth Park, highlighting the specific timeframes within which the main construction elements of the project will be undertaken, as well as the number of alternative parking spaces that will be provided as a result of the loss of parking spaces at Commonwealth Parade and the site or sites for alternative parking?

25 **Clerk:** Question 248.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please say if the soil at the Commonwealth Park is contaminated?

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

**Hon. Dr. J E Cortes:** Mr Speaker, as I have stated before, the works at Commonwealth Park are programmed for completion in Spring 2014. The construction of the main elements are subject to change as works progress, other than for the planting of trees which must take place in Autumn.

35 The parking spaces from Commonwealth Parade have been re-provided at the new Queensway Car Park, adjacent to the King's Wharf development. These total 365 in number and represent an increase of 23 when compared to those at Commonwealth Parade.

The soil at the site is not contaminated.

40 The information requested by the hon. Member in relation to payments made to consultants since 9th December 2013 is contained within the table which I now hand over. The consultants engaged shall be involved until the completion of the project.

Mr Speaker, let me just add that I cannot provide a summary of reports as we have had no reports: the consultants have been mainly involved in design and we have plans, but not reports as such.

**ANSWER TO QUESTION 248**

**Answer to Question 246**

**Commonwealth Park Consultants**

Entity	Payment	Date	Comments
Gib Botanic Gardens	£ 5,830.00	20.11.12	All payments in respect of services by Landform Ltd
	£22,712.19	05.02.13	
	£ 7,299.31	28.03.13	
JLC Consulting Ltd	£2,500.00	27.11.12	All payments in respect of project management services
	£2,500.00	03.01.13	
	£3,000.00	15.01.13	
	£3,000.00	19.02.13	
	£3,000.00	26.03.13	
	£3,000.00	19.04.13	
Comofco Consultants	£7,000.00	05.12.12	All payments in respect of mechanical and electrical services
	£5,600.00	11.02.13	

45 **Tercentenary Hall, Dr Giraldi Home and Tangier Views  
Details in respect of solar panel installation**

**Clerk:** Question 249, the Hon. J J Netto.

50 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what are the surface areas of the Tercentenary Hall, Dr. Giraldi Home and Tangier Views, where solar panels are going to be installed, and state the amount of energy produced individually by these sites?

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

55 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this



Question together with Question 250/2013.

**Clerk:** Question 250.

60 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state the name of the company installing the solar panels at the Tercentenary Hall, Dr. Giraldi Home and Tangier Views, the contractual arrangement that exists, if any, and whether these works went out to tender?

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

**Hon. Dr. J E Cortes:** Yes, Mr Speaker. Firstly, I would just like to clarify that the systems to be installed are solar thermal and not photovoltaic. Therefore, they will be producing hot water and saving energy, rather than producing electricity directly. The surface areas for each building are as follows:

70 Dr. Giraldi Home – roof area 976 m<sup>2</sup>; Tercentenary Hall – roof area 204 m<sup>2</sup>; note this is only part of the flat roof and Tangier View – roof area 391 m<sup>2</sup>

75 It should be noted, Mr Speaker, that this is the available surface area for each building, not all of which will necessarily be covered by the solar thermal panels. The exact area to be used will depend upon the contractor's proposal, which has not yet been awarded. The tender specifications aim to meet the hot water system load over 70% of the year. To aim for 100% would over-specify the system, with a need to reject energy in the hot summer months and would introduce inefficiency.

80 These tenders for the design and build of solar thermal installations were sent to the Official Journal of the European Union on 14th March 2013. As per EU procurement rules, the tender remained open for fifty-two days, with the closing date being 7th May 2013. The Tender Board for this project has not yet been convened and the contract has not been awarded.

85 **Hon. J J Netto:** Mr Speaker, I take on board what the Minister said, that the contract had not been awarded but could perhaps the Minister provide some information whether a contractor has already been selected and, if so, whether there is a tentative date as to when the commencement of the works might commence?

90 **Hon. Dr. J E Cortes:** No, Mr Speaker, I believe that, as I said, the tender process is still on-going. The closure for the receipt of applications was 7th May 2013. My information, when my officials drafted this response, is that the Tender Board has not yet been convened. I have not been informed that it has since. I do not think it has: I have no information on that but we have not awarded this to any contractor because I do not even know who has applied, Mr Speaker.

95 **Solar panels on Government properties  
Rolling programme and timetable**

**Clerk:** Question 251, the Hon. J J Netto.

100 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please state if there is a rolling programme to install further solar panels in Government properties and, if so, could the Hon. Minister provide the corresponding timetable, citing the buildings and the timing for installing the panels?

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

105 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, there is no rolling programme for this. However, Government continues to investigate possible opportunities for the installation of these systems on Government buildings in order to increase the percentage of energy in Gibraltar produced from renewable sources and in order to encourage private initiatives of a similar nature, by leading by example.

110

115 **Government buildings  
Renewable energy feasibility studies**

**Clerk:** Question 252 the Hon. J J Netto.

120 **Hon. J J Netto:** Mr Speaker, has the Government conducted any studies, either in-house or extended, to determine the suitability and location to install renewable energy products on Government buildings and, if so, state whether this has been done by a company, stating the name and cost to Government.

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

125 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Government relies on the in-house expertise of its technical officers to determine potential locations for the installation of renewable energy systems. A preliminary exercise has been conducted to identify buildings which might be suitable for such works. This was done in-house at no additional cost to Government.

130

**Marine electricity generation  
Feasibility for Gibraltar**

135 **Clerk:** Question 253 the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please say if electricity generation using marine currents has now reached a stage where it is commercially feasible in our own environment?

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

145 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, our understanding is that this technology continues to be at a prototype stage, with different models still being tested and further work commencing on the installation of arrays of marine turbines. The industry believes that commercial deployment of marine ocean current technology remains fifteen to twenty years away. However, we continue to be engaged with a number of entities in order to determine what possibilities exist in Gibraltar.

150 **Hon. J J Netto:** Mr Speaker, can the Hon. the Minister for the Environment say whether, in relation to the contact they have with these entities to determine how feasible this is within our own marine environment, whether the Government is proceeding on the basis of putting some of these prototypes... to determine whether it is viable or not depending on the currents available in certain locations around Gibraltar?

155 **Hon. Dr. J E Cortes:** Mr Speaker, we have not yet signed any agreement with any entity but we are talking to several entities – I am not exactly sure, it may be two, but I would not like to commit myself to that – looking at the possibility of prototypes in Gibraltar. Clearly, the arrangements where this might or might not happen will be specified when we reach some kind of understanding. We are, at the moment, at the discussion stage.

160

**Department of the Environment  
Details of environmental contracts**

165 **Clerk:** Question 254, the Hon. J J Netto.

170 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide copies of the contract between the Department of the Environment and the Gibraltar Veterinary Clinic, Wildlife Gibraltar Limited, GONHS and the Helping Hand Trust to the Opposition.

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

175 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, it is not our policy, as in fact it was not the Opposition's when in Government, to make copies of such contracts public. In any case, Mr Speaker, all these contracts are the same contracts as those left when the Opposition was in Government and have not been altered in any way since 9th December 2011.

**Hon. J J Netto:** Mr Speaker, I hear that the Hon. Minister says that it is not their policy to provide Parliament with copies of the contract and that they are basically just maintaining the position, as he

180 alleges, of the GSD Government when in Government. My view, Mr Speaker, is that these contracts do  
have, within the contract, environmental information as to the services that they provide within the remit  
of the contract and, therefore, will the Minister not agree with me that the contracts providing the  
185 environmental information... it is information that should be made available, either to Parliament or,  
indeed, perhaps to members of the public if they wish to obtain such environmental information within  
the contract.

**Hon. Dr. J E Cortes:** Mr Speaker, a number of observations there, if I may.

190 These contracts were all prepared at the time of the former administration. I have said there have been  
no changes at all to any of those contracts. In fact, at least one or two, the hon. Member opposite and I  
discussed them and agreed them together, so there is nothing mysterious or secret or nothing that the hon.  
Member opposite is not aware of. There was no attempt or intention or willingness I think at the time, for  
the Government of the time, to make these contracts public, whether or not they contained environmental  
information.

195 As to whether they contain environmental information, I think I would need to seek legal advice as to  
whether it is the sort of environmental information that would come under the definition of that sort of  
environmental information to which the public have a right of access. Basically, they are schedules which  
define what a contractor has to do as part of its duties. I think there is a danger if contracts of any type are  
made public, that this could prejudice negotiations between Government and different entities when they  
200 are discussing contracts. So I do not agree with the hon. Member opposite. I am willing to take legal  
advice on that but I do not think I can support that request.

**Hon. D A Feetham:** Mr Speaker, of course the contracts have been concluded: there are no  
negotiations with other entities therefore it cannot possibly prejudice any such negotiations. I understand  
205 what the hon. –

**Hon. Dr. J E Cortes:** Mr Speaker –

**Hon. D A Feetham:** Do you want me to give way?

210 **Hon. Dr. J E Cortes:** A point of fact, yes.

**Hon. D A Feetham:** Do you want me to give way?

215 **Hon. Dr. J E Cortes:** Yes, if I may, Mr Speaker. I just wanted to point out that the precedent of  
releasing these contracts could mean that other entities in discussion could have the concern that they  
might be made public. That is the point that I made, not that these are under discussion.

220 **Hon. D A Feetham:** Yes and I accept that the Government has taken the policy decision on not  
disclosing these contracts and certainly, on this side of the House, we accept that. But will he agree with  
me – and I am asking about Government policy in the future – will he agree to, if there is a change in the  
scope of the services that are provided by any of these entities under the contracts, will he agree to  
provide that change or some information in relation to the change of the scope, should the question be  
asked in the future?

225 I can tell the hon. Gentleman that the disclosure of contracts will not be the subject of questions in the  
future. You have made your position clear and we are not going to ask you to alter that again, but if there  
is a change in the scope of the services provided, then surely, of course, that is something that we are  
entitled to know, should we ask about it in the future.

230 **Hon. Dr. J E Cortes:** Mr Speaker, the Hon. the Leader of the Opposition is asking whether  
Government may change its policy on this particular point. I do not make Government policy. I am a  
Member of the collegiate Government and therefore it is not something that I could say myself at this  
point in time. It would need to be discussed with my colleagues.

235

**Seagull culling  
Details since 2008**

240 **Clerk:** Question 255, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please provide statistics of seagull

culling since 2008 on a yearly basis, broken down monthly and stating whether the culling was done by employees of GOHNS or by any other contracted entity to the Government?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, certainly. The information requested by the hon. Member is contained in the schedule which I now hand over to him.

**Answer to Question 255/2013**

**Figures for Culling by  
GOHNS**

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
250	2303	4562	4075	3491	3391

**Figures for Culling by  
FERA**

	-	3812	5508	5708	2694
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**Mr Speaker:** It is a matter for judgement but may I suggest that, where a schedule is as short as this one, that perhaps it should become an inherent part of the answer.

255 **Hon. Dr. J E Cortes:** Mr Speaker, would you like me to read it out?

**Mr Speaker:** Yes, please.

260 **Hon. Dr. J E Cortes:** Very good.  
Figures for culling by GOHNS 2008 – 2,303; 2009 – 4,562; 2010 – 4,075; 2011 – 3,491; 2012 – 3,391.  
Figures for FERA, which is the UK agency contracted since 2009. Clearly, there are no figures for 2008. 2009 – 3,812; 2010 – 5,508; 2011 – 5,708 and 2012 – 2,694.

265 **Hon. D A Feetham:** Mr Speaker, do I understand this correctly that, in 2009, therefore, there are two separate sets of culling by two separate sets of entities, so it is GOHNS 4,562 and then FERA 3,812?

270 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, this was an initiative of the former administration who, at considerable expense, brought over a group of shooters from the United Kingdom to carry out a cull over four years. It was a four year agreement which finalised last year.

275 **Hon. D A Feetham:** Mr Speaker, obviously there has been a considerable amount of culling over this period of time, all the way to 2012. We see that there are still a considerable number of seagulls in Gibraltar. Does the Government envisage any kind of change of policy in relation to its approach to seagulls and can the Hon. the Minister please provide some details in relation to that?

280 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, we are looking – I think I may have mentioned this in last year's Budget Speech but I may not have – at increasing the, shall we say, resources put into culling and I will be referring to this in the debate on the Appropriation Bill as part of my Budget Speech. I will be giving details then.

285 **Hon. D A Feetham:** Yes, but Mr Speaker, the emphasis in my question was slightly different. The answer really is that it is a continuation of the policy of culling, but is there any variation? In other words, does the Government envisage anything else other than culling in order to control the seagull population? I know that, for example – a number of years ago we had spoken about this because it interests me at a personal level – GOHNS introduced a number of foxes in the Upper Rock. Unfortunately, we do not know what has actually happened with those foxes that were introduced and I think the hon. Gentleman told me that perhaps they are no more, sadly. But are there initiatives of that sort in order to help control the seagull population?

290 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, there are. A number of possibilities are being discussed and I hope to have details available shortly, but I do not have them yet because we have not finalised what

295 those arrangements might be. I know, Mr Speaker, that the Hon. the Leader of the Opposition, being a resident of the Upper Rock, would love to see all sorts of animals, as would I, but it is complicated. One needs permits and so on and I am not in a position yet to confirm that. I am sorry.

300 **Hon. D A Feetham:** Mr Speaker, I am not asking for the hon. Gentleman to confirm what decision has been taken, I am asking the hon. Gentleman to just give us a flavour of the types of initiatives that the Government is currently considering. I do not want to steal his thunder for his Budget Speech. I understand that, but if he could give us a flavour I would very much appreciate it and very much welcome it.

305 **Hon. Dr. J E Cortes:** It does include very much the flavour that the Leader of the Opposition has alluded to, but I do not think I can really go further because it involves other people we are discussing with and I am not in a position to say anything at this stage. I think I have answered my question, though: I have provided the figures and a little bit more.

310 **Mr Speaker:** And the Speaker has been very liberal because this is a Question purely about statistics and now we are dealing with policy. I think the matter has been aired sufficiently.

315 **Barbary Macaques on Upper Rock**  
**Optimum numbers, population, culling, management and control**

**Clerk:** Question 256, the Hon. J J Netto.

320 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the optimum number of Barbary Macaques that either the Hon. Minister or the professionals advising the Government think is adequate to maintain the biological integrity of the population in the Upper Rock Nature Reserve with minimal conflict levels with the neighbouring humans?

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

325 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Questions 257 to 265/2013.

**Clerk:** Question 257.

330 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide the population of Barbary Macaques between 1988 – 2012 on a yearly basis?

**Clerk:** Question 258.

335 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if there has been any colonisation of built-up areas of Macaques on a permanent or semi-permanent basis in the last sixteen months and if so, where?

**Clerk:** Question 259.

340 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say when the new immunological contraceptive method for female Macaques started, how many females have been treated so far and provide details of how this programme will be implemented over the next few years, in order to arrive at the optimal number of Macaques envisaged?

345 **Clerk:** Question 260.

350 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state the method of contraception used between 1988 – 2012 and the number of female Macaques provided with such contraception on a yearly basis?

**Clerk:** Question 261.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please say whether during 2013

355 there has been any culling of Barbary Macaques and if so, how many?

**Clerk:** Question 262.

360 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if he is now in a position to state whether the Government has entered into agreement with other authorities for the purpose of exporting Barbary Macaques and if so, could the Hon. Minister inform Parliament of the countries and numbers involved?

365 **Clerk:** Question 263.

370 **Hon. J J Netto:** Mr Speaker, following the lecture given by Professor Agustin Fuentes in the Elliott Hotel on 3rd March 2013 he stated in answer to a question from me that ‘many of the management measures have already been implemented in the new management plan for Macaques locally’. Therefore, could the Minister for the Environment say what measures in the new management plan have already been implemented and when?

**Clerk:** Question 264.

375 **Hon. J J Netto:** Mr Speaker, following the visit of Professor Agustin Fuentes and the representative of the National Geographic to Gibraltar, can the Minister for the Environment provide Parliament with a copy of the report submitted to the Minister with regard to observations, findings and recommendations?

**Clerk:** Question 265.

380 **Hon. J J Netto:** Mr Speaker, can the Minister for Environment please provide Parliament with a copy of the Gibraltar Macaques Management Plan?

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

385 **Hon. Dr. J E Cortes:** Mr Speaker, as it is a slightly lengthy answer and I have one schedule, I think what I will do is I will hand the schedule over now and the Members of the Opposition can peruse it as I deal with the rest of the Questions.

**ANSWER TO QUESTION 265**

**Answer to Question 257**

**Barbary Macaques population list**

Year	Population Estimate
2000	126
2001	153
2002	176
2003	205
2004	223
2005	214
2006	242
2007	241
2008	241
2009	212
2010	182
2011	175
2012	183

390 Mr Speaker, now to the answer. The marketing plan of two decades ago recommended a population of 180 Macaques on the Rock. This has, through the years, served as an approximate guide to the preferred numbers. However, as with everything in nature, one cannot be exact as, in the context of conflict with humans, five monkeys in the wrong place would be worse than 1,000 not in the wrong place. The precise number will, therefore, depend on the structure and location of the groups, as well as on the management regime. Therefore, although the figure of 180, which is close to the present population, remains in the background, there could be a variation in both directions.

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400 There is no population list available that goes back to 1988. The Gibraltar Government only took over the management of the Macaques through Sites Management from the MOD in the early 1990s – it may have been the late 1980s, but I think it is the early 1990s. MOD records have not been located nor have Sites Management records and that is a pity, Mr Speaker, because obviously there is gap in what we know about the history of our Macaques.

405 The Gibraltar Ornithological and Natural History Society took over the management of the Macaques in December 1999, from when figures are available, and that is the schedule that I have handed over to the hon. Member.

410 Colonisation of any area, built up or otherwise, by Barbary Macaques is not a one-off process; it will involve exploratory and quite natural movements which may lead, if resources such as food and shelter are located, in a more or less gradual shift in home range centred around these resources. Whilst some such movements have occurred, as they always do, there has been no colonisation of any built-up area on a permanent or semi-permanent basis in the past sixteen months.

415 Regarding contraception, no immunological contraception has yet been carried out. However 21 Macaques were ‘contracepted’ last year through hormonal implants, as opposed to the 21 in the previous five years together, or an average of about four a year. The figures are 6 in 2007; 3 in 2008; 5 in 2009; 4 in 2010; 3 in 2011 and 21 in 2012. Contraception over the next few years will involve identification of matriline, that is the female lines, within packs, then specific females will be identified and implanted. This will not only slow population expansion but specifically expansion of family groups within packs. The end result of this is that packs will be more contained and less likely to split. Previously, this has not been possible due to the lack of resources available.

420 Government is also looking to invest and allow the permanent surgical contraception of females whose genetic material is already heavily represented within the population. This will, therefore, negate the need to trap females so regularly.

During the past year, six Macaques have unfortunately been put down for veterinary and behavioural reasons.

425 Mr Speaker, discussions continue with a number of entities with a view to exporting Macaques, although no agreements have been finalised. Professor Agustin Fuentes of Notre Dame University gave, if I may say, a fascinating explanation of the research being carried out on the Macaques. This presentation was his, as an independent scientific authority, and therefore I cannot know exactly what measure he was thinking of when he replied. I can, however, report on the following aspects of the plan that have already been acted upon, together with the season when they commenced on the ground – (a) Increased research effort, in Spring 2013; (b) Remote monitoring of Macaque movements, Spring 2013; (c) Production and distribution of information leaflets, Winter 2012/2013; (d) Measures to reduce access to refuse bins, Winter/Spring 2012/2013; (e) Clearing of vegetation on the Upper Rock, Autumn 2013; (f) Increased human resources, Autumn 2012; (g) Increased used of contraception, Autumn 2012; (h) More proactive management of groups, Winter 2011/2012.

435 These measures have been introduced gradually over the past sixteen months and they represent a new philosophy in management. The visit of Professor Fuentes, Dr Lisa Jones-Engel and the National Geographic Team was very recent. I would like to point out that this visit was funded by National Geographic and other US Institutions and not by the Gibraltar Government.

440 No report as such is expected; rather, the results will appear in the forthcoming scientific publications, which take time to produce. I have, in fact, Mr Speaker, been able to put my hands on a publication which covered an earlier visit in 2008, which referred to the extraordinary fact that the Macaques in Gibraltar are almost totally free of disease and I have, for the benefit of the hon. Member, made a copy that he might be interested in.

445 Mr Speaker, Parliament will, indeed, be provided with a copy of the Gibraltar Macaque Plan, which is currently being prepared for publication. It is expected to be launched within the next eight to ten weeks during Professor Fuentes next visit to Gibraltar.

450 **Hon. J J Netto:** Mr Speaker, if I may, I am grateful to the Minister, first of all, for the information but he has just completed by saying the report – the new management plan – will be ready for publication, I think he said, in about eight weeks from now. Can I ask the Minister, then, whether despite not being ready for publication purposes, whether I can get a copy right now, preferably in electronic form?

455 **Hon. Dr. J E Cortes:** Mr Speaker, yes, the Macaque Plan is, for all intents and purposes, completed as the hon. Member opposite will know because I used to do a lot of drafting for his Department. I would like to look at it again so a few words may change, but I will certainly endeavour, over the next few days, to facilitate a copy.

**Hon. D A Feetham:** Mr Speaker, I thought I heard the hon. Gentleman say that, under the management plan, I think it was, that the optimum amount of Macaques that were envisaged was 180. I

460 note that from the figures here that, in 2011, it was 175 and in 2012 it is 183. So at the moment, it is more or less the numbers that are envisaged as optimum under that report. What figure below this 183 figure does the Government envisage that it wants to reduce the population of Macaques, given his statements to this House in the past and why that effective discrepancy between what the report says and effectively...?

465 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, as I introduced the subject of the optimum number, I did say that five monkeys in the wrong place is worse than 1,000 not in the wrong place. It really depends on what the monkeys are doing. If we had one particular group that was, shall I say, in an awkward situation, then we could have 50 Macaques but then we would have to do something about that. That is why I said  
470 180 is a figure that has been presented in the past: the actual figure that could be stabilised could be more or could be less, depending on what the groups are doing at that given point in time. That is where we are now in trying to determine not exactly numbers, but the location of the groups.

I am not sure if I have explained myself properly but what I am saying is there can be flexibility in both directions. It is where they are, not how many they are.

475 **Hon. D A Feetham:** Mr Speaker, no, I understand that entirely. I am just trying to reconcile that with statements that the hon. Gentleman has made both in this House and outside this House. Because the hon. Gentleman outside this House, and here as well, has said, that the Government is actively looking to exportation of apes in order to reduce the numbers. Either you have already made an assessment that there are packs in Gibraltar in relation to certain areas that are problematical and, therefore, the only way that  
480 you can deal with those, bar culling, is by exporting them, in which case the Government is therefore accepting that there is a problem present at the moment or, alternatively, you say well we have not made the decision because we do not know what are the optimum numbers. Therefore, we cannot... how on earth did the Government come to the decision that it wants to export all these monkeys to Africa?

485 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, what I am saying is that it depends on what the situation is at any particular point in time. At the moment there are probably two groups that I can think of that we could do without them being where they are. Therefore, if we had an agreement tomorrow to export animals, those would be the groups targeted.

490 But if the agreement is in a month's time and by that time, because of management or because by natural movements they have moved away from that area and another group has come in, we would have to re-assess which is the one that we would have to take. What I am saying is that we have to be flexible because we are dealing with natural systems but I take the hon. Member's point.

495 **Hon. D A Feetham:** What effectively, therefore, you are saying – and just correct me if I am wrong – you are accepting that there are a couple of populations that are problematical at the present moment, but that you hope that you will be able, through measures that you are introducing, to make them non problematical. In other words, to push them up to the nature reserve, but if that is not possible therefore you are looking at exportation because culling is out of the question.

500 Now do you... if that is the position I would appreciate it if he would confirm it and, if it is, what is the timescale for exportation of these apes because, of course, if they are problematical – and the hon. Gentleman appears to accept that they are being problematical, – it is a problem for the people that live in these areas.

505 **Hon. Dr. J E Cortes:** Yes, of course, and we are trying to make them less problematical.

Our prime need is to ensure that the human population does not feel uncomfortable or stressed in any way. So, yes, the main thrust will be to try and control where they are but, at this point in time, there are a number of discussions still on-going and I cannot give a timeframe. No, I just cannot give a timeframe.

510 **Hon. D A Feetham:** Mr Speaker, if those talks – and the hon. Gentleman and I again have spoken about this, we share an interest in this, quite apart from the politics... this is not easy, the question of exporting these animals to North Africa. He knows that and I know that. If it becomes an impossibility of exporting these animals to Africa and they continue to be problematical to those areas, will this hon. Gentleman give an undertaking to this House that the party opposite will grasp the nettle and will consider culling as a proper management tool?

515 **Hon. Dr. J E Cortes:** Mr Speaker, that is a hypothetical question.

**Mr Speaker:** Which, may I say, was asked in February as well, exactly the same question.

520



**Upper Rock Nature Reserve  
Wildlife Wardens**

525 **Clerk:** Question 266, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say when will the Department of the Environment employ the Wildlife Wardens for the Upper Rock Nature Reserve that the Hon. Minister, when not in Government, so vociferously advocated for?

530

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, when I was not in Government I did many things, most quite gently, actually, and not vociferously, and while I advocated Wildlife Wardens, this is not something that I was particularly vociferous about.

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Mr Speaker, the preparation of the management plan for the Upper Rock Nature Reserve is in progress. This is considering the need for Wildlife Wardens specifically for the Upper Rock. However, it must be remembered that wildlife wardening is not just required on the Upper Rock and the whole question of such wardening is currently under consideration.

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**Hon. J J Netto:** Mr Speaker, does the hon. Member think that, during the course of this year, we will be able to see the Wildlife Wardens being established, whether it is in the Upper Rock Nature Reserve or within the whole of Gibraltar?

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**Hon. Dr. J E Cortes:** Mr Speaker, this will depend on the outcome of the work that we are doing at the moment. I cannot confirm or deny the possibility.

550

**Western Beach  
Compliance with EU swimming standard**

**Clerk:** Question 267, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say whether, come this summer, the quality of the water at Western Beach will satisfy the mandatory EU Standard for swimming for beachgoers?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, it is impossible to predict water quality in this scenario. If trends from previous years continue, we expect to see a marked improvement in water quality in coming weeks. Relevant Government Departments are monitoring the water quality at Western Beach very closely.

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**Hon. J J Netto:** Mr Speaker, if I do not remember badly, when this question has been raised in the past, the Government I think has alluded to the fact that if they were to see no improvement on the Spanish side from La Línea in relation to dealing with the discharges from the sewage drain waters, that they would take legal action – I think it says in relation to European Union. Could the Minister perhaps update the House on this front?

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**Hon. Dr. J E Cortes:** Mr Speaker, this is something that I would rather discuss with the hon. Member opposite behind the Speaker's chair.

575

**Jellyfish increase  
Method of control**

580

**Clerk:** Question 268, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to Question number 742/2012, can the Minister for the Environment say if he is now in a position to state what were the proposals that were being considered

585 last September by the various Ministers in relation to the increasing number of jellyfish in our waters, particularly during the summer season, and what measures, if any, are going to be put in place this year to minimise the extent of this problem for beachgoers?

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

590 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the increased occurrence of jellyfish in the Mediterranean region is expected to continue. As stated in my answer to Question No. 742/2012, this is a result, among other factors, of over-fishing and climate change.

595 The proposals considered last year largely revolved around the use of nets to minimise the number of jellyfish reaching our beaches. The Gibraltar Tourist Board, in close consultation with the Department of the Environment, have purchased special nets known as jellyfish booms that are designed to keep jellyfish out of bathing areas and allow relatively safe bathing.

Specific areas in our beaches have been identified and designated for this purpose. These nets are tailor made to suit the physical characteristics of individual beaches and may vary in size. The nets and areas will be surveyed by the beach lifeguards on a daily basis.

600 However, the public is still urged to be cautious, as the nets cannot be 100% effective, especially in heavy seas.

605 **Hon. D J Bossino:** Mr Speaker, can the Minister advise that it is Government's intention to protect *all* of the beaches. Is that the case? I think he mentioned certain areas. I would like him to confirm whether the Government's policy is, in fact, to protect all of the beaches.

610 **Hon. Dr. J E Cortes:** Mr Speaker, subject to confirmation by the Hon. Minister for Tourism, who is, in fact, leading on this, my understanding is that the intention is that areas in all of the beaches, or at least most of the beaches, will be so done.

I cannot recall which the first area was going to be, but the intention, subject to confirmation – I am sure we can confirm it later – is that most of the beaches will have at least an area with jellyfish booms.

615 **Hon. D J Bossino:** Mr Speaker, maybe this is not the place – Gibraltar's Parliament – to ask the Hon. Minister this question, but I do not understand exactly how, what the mechanics are, how this actually works...

**Mr Speaker:** Will the hon. Member please depress the microphone so that it is more directly...

620 **Hon. D J Bossino:** The question, Mr Speaker, is what the mechanics of this are, yes, in relation to the jellyfish nets, if I can put it in those terms, as I do not know what the exact term is.

625 **Hon. Dr. J E Cortes:** Mr Speaker, is the hon. Member asking how the nets work? How they work? Right, well it is a net that is suspended in the water floating, which hangs down to the sea bed, and therefore, in relatively calm waters will stop most jellyfish from coming in, because the mesh is so small the jellyfish cannot come in, but as I said in heavy seas there will be movement and some jellyfish could come in... so there will be fewer jellyfish.

These have been tried in other parts of the Mediterranean, Greece in particular, and I believe these are being brought over from Greece.

630 Obviously, we cannot guarantee 100% success, but we are told that certainly they will improve the situation.

635 **Department of the Environment  
Publication of 2012 Annual Report**

**Clerk:** Question 269, the Hon. J J Netto.

640 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say when will the Department of the Environment Annual Report for 2012 be published?

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

645 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, as is customary, the Annual Reports are published after the air quality data are ratified in summer.

The Department of the Environment Annual Report 2012 will, therefore, be published in the autumn of 2013.

The 2011 Report is available on the Government website.

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**Environmental EU Directives  
Annual Reports sent to European Commission**

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**Clerk:** Question 270, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide Parliament with a copy of all annual reports sent to the European Commission with regard to compliance on transposed Environmental EU Directives?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Annual Reports are sent to the Commission for the following three directives:

665

The Air Quality Framework Directive; The Drinking Water Directive; and the Bathing Water Directive.

Because the hon. Member has not requested a timescale, annual reports are provided for the last five years. I would like to explain, Mr Speaker, that what I am handing over to the hon. Member are copies of the Drinking Water, and the Bathing Water Directives. The Air Quality Framework Directive, is such a massive document, that printing it would have taken a long time and a lot of paper, it will be emailed to him by the Environment Agency and I would ask the hon. Member if he has not received it by tomorrow, if he contacts my office I will make sure that he gets a copy. If it is too large to email we will burn it on a disc so that he can have it promptly.

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**Hon. J J Netto:** Mr Speaker, if I may, the Hon. the Minister for the Environment did mention that the Annual Reports were in relation to three particular Directives and he then went on to mention the three particular Directives. I was wondering whether, in addition to these particular three Directives, there are other Annual Reports that the Department of the Environment has to submit to the European Commission Directorate on the Environment.

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**Hon. Dr. J E Cortes:** Mr Speaker, there are other Reports, but they are not annual: they may be after five or six years. The question specifically referred to Annual Reports. There are some written questions which refer to some of the other Reports, to which the answers will be provided at the end, as usual. But the Annual Reports, I am informed by my officials, are these three, annual as opposed to more periodic. If he specifically is interested in any other, if he specifies it then, obviously, that will be provided.

685

**Fishing and marine conservation  
Report from commission of experts**

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**Clerk:** Question 271, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide Parliament with a copy of the report from the commission of experts on fishing and marine conservation which was received by the Government on 20th December 2012?

695

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the report from the commission of experts on fishing and marine conservation is currently being formatted for publication and will be out shortly.

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**Hon. J J Netto:** Mr Speaker, can I ask, in broad terms, what I asked before, which is even though it is being reformatted for publication, could I have a copy of it straightaway?

705

**Hon. Dr. J E Cortes:** No, Mr Speaker, this is a highly sensitive report, which has to be handled in a

sensitive manner, and I say shortly... the wait will not be long, and therefore I have to decline the request.

710 **Hon. J J Netto:** Mr Speaker, why draw a difference between not providing the Opposition with the report and actually briefing the Mayor of La Línea with the report? Why should the Mayor of La Línea take a preferential treatment in knowing the content of the report than the official Opposition in Parliament?

715 **Hon. Dr. J E Cortes:** Mr Speaker, I do not know whether this is an acceptable supplementary, but I have not briefed the Mayor of La Línea about the report and I do not believe any of my colleagues have, either. They may have mentioned it, they may have had a discussion around it but I can, very categorically, certainly from my point of view, state that it has not been discussed.

720 **Hon. D A Feetham:** Mr Speaker, in fact that cannot possibly be the case, because there is a press release emanating from No. 6 –

725 **Mr Speaker:** Yes, but with all due respect, this does not arise from the Question at all. It is completely and utterly out of order.

**Hon. D A Feetham:** Mr Speaker, I am not going to argue with Mr Speaker about this, but I –

730 **Mr Speaker:** Of course you are not going to argue. I am the one who is responsible for interpreting the Standing Orders (**Hon. D A Feetham:** Absolutely.) and that is my ruling and you will sit down. We will go on with the business.

*(Interjection by the Hon. D A Feetham.)* No business to raise that matter as a supplementary. It does not arise from the question at all. Members have got used, over the years, to doing that far too often, and I propose to implement the Standing Orders.

735 **Hon. D A Feetham:** And Mr Speaker, I will have something to say –

**Mr Speaker:** And if the hon. Member does not like it –

740 **Hon. D A Feetham:** I will have something to say during the –

**Mr Speaker:** You can say whatever you –

**Hon. D A Feetham:** – debate on parliamentary reform.

745 **Mr Speaker:** The report –

**Hon. D A Feetham:** – will not be able to shut me up on this matter.

750 **Mr Speaker:** If the hon. Member –

**Hon. D A Feetham:** It is an important issue to the Opposition.

755 **Mr Speaker:** The report has got nothing to do with me as Speaker. That is a report for Parliament to debate, and the fact that I happen to be the Speaker is purely coincidental.  
Next Question.

### Upper body lymphoedema treatments Process and care pathway

760 **Clerk:** Question 272, the Hon. Mrs I M Ellul-Hammond.

765 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, before asking my Question, may I take this opportunity to congratulate Mr Freddie Pitto on his selection as the new Chief Executive of the GHA and I wish him all the very best in this important and challenging role.

Mr Speaker, can the Minister for Health explain the process, including equipment used and the care pathway, breast cancer sufferers and survivors go through in order to receive upper body lymphoedema treatments?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, patients are referred to the nursing team by a medical practitioner or breast cancer nurse. The patient is then assessed to determine the grade of lymphoedema and best treatment option. This may be manual drainage or a combination of manual and mechanical drainage using the Flowtron Lymph Assist. This treatment is sustained by a determined level of compression support, using either a system of compression bandage or measured sleeve which the patient will wear.

775  
780 Patients will invariably continue to use the compression sleeve long term, as required, since lymphoedema is a chronic long term condition affecting the majority of patients who undergo treatment for breast cancer. Therefore, part of the treatment includes educating patients on management of the condition and prevention strategies to avoid recurrence of the acute phase. Following treatment in the acute phase, patients are reviewed as required.

785 I am supporting the Breast Cancer Support Group in their tremendous efforts to raise awareness of the condition, and studying ways in which we can resource this service more.

#### Upper body lymphoedema treatments Training and CPD

790 **Clerk:** Question 273, the Hon. Mrs I M Ellul-Hammond.

795 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise what training and CPD health professionals receive for administering upper body lymphoedema treatments to breast cancer sufferers and survivors and how many of them are there who offer this?

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

800 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, health professionals in the GHA follow an 11-day training programme offered by LEDUC UK, a professional association of lymphoedema practitioners.

The training is comprehensive and includes assessment, diagnosis, skincare, multi-layer bandaging, manual and mechanical drainage within the programme content.

805 Annual updates are provided for health professionals already trained and practising in this field. There is currently a team of four nurses and two physiotherapists who can offer such treatment. However, this is not exclusive to breast cancer patients. There are other patients who can acquire this condition.

**Hon. D A Feetham:** We will be asking no more supplementary questions, so we can –

810

#### Plastic surgery initiative Xanit Hospital, Benalmadena

815 **Clerk:** Question 274 the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say whether the plastic surgery initiative, in order to reduce the waiting list in breast reduction surgery, will continue at Xanit Hospital in Benalmadena?

820

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

825 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the plastic surgery initiative includes both more frequent visits from UK plastic surgeons and outsourcing operations to surgeons who have been validated by our visiting consultants. Surgeons who operate in Xanit fall into this category. Therefore it is likely that the facilities in Xanit will be used in the future. I stress the word ‘facilities’. The surgeons do vary.

830

**Hydrotherapy pool at St Bernard's Hospital**  
**Date of opening**

835 **Clerk:** Question 275, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise when the hydrotherapy pool at the Physiotherapy Department at St Bernard's Hospital will be opened in order to offer therapy for those patients who need it?

840

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, when the hospital was built, the infrastructure was not provided. No resources, including human resources, were made available to provide the service. The possibility of resourcing this is being considered, although the patient demand for this service, as it does not exist, is not known.

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850

**Emergency ambulance**  
**Callout procedure**

**Clerk:** Question 276, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise what the procedure is if an ambulance is called in an emergency and the two emergency ambulances are otherwise engaged and unable to attend to the call-out?

860

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, if both GHA emergency ambulances are committed on a call and a third emergency call comes in, the City Fire Brigade ambulance will be dispatched.

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**Chief Ambulance Officer**  
**New appointment**

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**Clerk:** Question 277, the Hon. Mrs I M Ellul-Hammond.

**Hon. I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise what the system is for a patient who is attended to at the –

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**Clerk:** ...

**Hon. I M Ellul-Hammond:** I apologise, yes.

Mr Speaker, following the announcement of the retirement of the Chief Ambulance Officer, can the Minister for Health say whether a replacement has been identified, who this person is and when the post will be filled?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the post of Chief Ambulance Officer is being considered as part of a wider GHA management restructuring exercise, and the imminent completion of GHA's paramedic students' course at the end of the year.

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An external review has been commissioned to advise on how best to configure the ambulance services in Gibraltar to improve the service to our local population and make best use of these new skills. Once this review is complete, a decision will be taken on this specific post.

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In the interim, a development opportunity has been created, for a nine month period, for two officers to cover the duties within the existing job description. Following a selection process, Kyrone Celecia and Adrian Gerada were selected and commenced their duties on 1st April 2013, the day after the incumbent had retired.

895 They have now started a structured development programme, which includes a management course affiliated with Durham University, and management placement in the UK with the London Ambulance Service.

I would like to take this opportunity to thank Dennis Duarte for his work as Chief Ambulance Officer and to wish him a long and satisfying retirement after many years serving the public, not least as Commanding Officer of the Royal Gibraltar Regiment. This is well deserved.

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**Post-A&E Department care  
Procedure**

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**Clerk:** Question 278, the Hon, Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise what the system is for a patient who is attended to at the A&E Department, is then found needing secondary care or further tests, but not necessarily immediately? Will that patient need to go back to Primary Care or will the patient be fast-tracked from A&E?

910

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

915

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, if a patient requires further investigations as an out-patient, they will be discharged from A&E with a GP referral form, (Discharge letter A&E – Request for follow up by GP). That is the name of the form in the GHA system.

920

**Orthoptist service  
Upgrading**

**Clerk:** Question 279, the Hon. Mrs I M Ellul-Hammond.

925

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say whether there are any plans to increase the Orthoptist service within the Eye Department of the GHA?

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

930

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, not at this time.

935

**Clinical Governance Review  
Cost breakdown**

**Clerk:** Question 281, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain to whom £128,611.88 for the Clinical Governance Review was paid to and for what exactly?

940

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

945

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the payment was made to Langan & Schroter for the review into the GHA. The breakdown is contained in the schedule that I now hand over.

**Answer to Question 281 of 2013**

Clinical Governance review							
	Fees	Rent	Equipment	John Langan	Frank McGuirrin	Joanna Smith	Total
Clinical Governance Review - Fees (contract)	96,000.00			-	-	-	<b>96,000.00</b>
Clinical Governance Review - Flights				5,289.74	867.58	1,864.56	<b>8,021.88</b>
Clinical Governance Review - Hotel Accomodation				698.00	150.00	3,362.00	<b>4,210.00</b>
Clinical Governance Review - Internet Connection				0.00	0.00	0.00	<b>0.00</b>
Clinical Governance Review - Mobile Telephones				0.00	0.00	0.00	<b>0.00</b>
Clinical Governance Review - Stationery				0.00	0.00	0.00	<b>0.00</b>
Clinical Governance Review - Subsistence				2,310.00	700.00	1,540.00	<b>4,550.00</b>
Clinical Governance Review - Travelling Expenses				0.00	0.00	0.00	<b>0.00</b>
Clinical Governance Review - New Equipment			464.00				<b>464.00</b>
Clinical Governance Review Rented Accomodation		15,366.00		-	-	-	<b>15,366.00</b>
<b>Total</b>	<b>96,000.00</b>	<b>15,366.00</b>	<b>464.00</b>	<b>8,297.74</b>	<b>1,717.58</b>	<b>6,766.56</b>	<b>128,611.88</b>

**GHA Review  
Date of publication**

950

**Clerk:** Question 282, the Hon. Mrs I M Ellul-Hammond.

955

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, following on from Question No. 117/2013, can the Minister for Health advise when the GHA Review document will be published?

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

960

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, as I have stated several times in this House, it was the view of the Board of the Authority and the Executive that steps should be taken to remedy some of the shortcomings highlighted in the Report before this was published.

I am pleased to say that the planned management restructure is now in the process of being implemented and publication will follow shortly.

965

**GHA website  
Operational date**

970

**Clerk:** Question 283, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, following on from Question No. 118/2013, can the Minister for Health say when the new GHA website will be ready?

975

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

980

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the website will be live in June 2013. There has been a slight delay – I had announced it would be ready in April – due to technical issues which are now being finalised. It will be followed by a period of testing before going live.



**Free complementary therapies  
Government policy**

985 **Clerk:** Question 284, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, Can the Minister for Health say what the Government policy is on offering complementary therapies free of charge on the GHA?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, complementary therapies have not generally been provided in the past.

995 However, when recommended by a medical practitioner, the following have been considered: (a) Manipulation therapies (by trained and accredited chiropractors/osteopathy for back pain) referred by the Pain Clinic, and; (b) Acupuncture for the relief of intractable pain, by trained and regulated acupuncturists, when referred by the Pain Relief Service.

1000

**GHA Speech & Language Therapy Department  
No. of trained paediatric and adult therapists**

1005 **Clerk:** Question 285, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state how many paediatric and adult speech & language therapists are employed in the GHA Speech & Language Therapy Department, giving a breakdown of permanent and contract employees?

1010 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the schedule I now hand over contains the information requested.

**Answer to Question 285 of 2013**

Speech and Language Therapists

	1 Paediatric Special Needs	- Permanent contract
	1 Paediatric	- Permanent contract
1015	1 Adults	- Permanent contract
	1 Manager (no clinical responsibilities in SLT)	- Permanent contract
	1 Adults (emergency cover Mt Alvernia)	- 3 month contract
	1 Paediatrics (not employed by GHA but assigned to Department under Graduate Scheme)	

1020

**Repeat prescription service  
Nature of changes**

**Clerk:** Question 286, the Hon. Mrs I M Ellul-Hammond.

1025 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain the No. 122 of the Government policies actioned, as per the Government's press release number 815/2012, which says 'change repeat prescription system'? Can the Minister elaborate on how the repeat prescription has changed?

1030 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1035 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the repeat prescription system has changed in that it has now been integrated with the appointment system and allows patients to access their next review appointment for further repeat prescriptions. This now works as follows:

1. A patient can access their next review appointment for repeat prescriptions by coming to the Primary Care Centre when they are down to their last prescription and, by showing this prescription, they will be booked into an appointment with a GP of their choice, before they are out of medication. This has been audited for the first six months since its introduction in October 2012 and, so far, all patients who have used this system have been able to get an appointment with their GP of choice.

2. If a patient runs out of medication and has no more prescriptions left they can present at the Prescription Advisory Unit, where they will be issued with another month's prescription, which they can, in turn, present at the PCC counter as their last prescription and get their next review appointment.

1040 Most GPs are now issuing stable patients with six months of repeat prescriptions at a time, which means that if the patient remains well they will only need to attend the PCC twice a year for review prescriptions which, for most patients, is an acceptable and recommended frequency of medical follow-up.

1050

**New-born babies  
Screening for hearing**

1055 **Clerk:** Question 287, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if Government has plans to introduce hearing screening for new-born babies?

1060 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, arrangements to start neonatal screening are well under way. We are waiting for an extra scanner and up-dated software. We are also arranging a training programme locally with the equipment suppliers for both Health Visitors/Nurses and the Audiologist.

1065 I am hopeful that we can start the service within a few months.

**Primary Care Clinic  
Ministerial initiative and move to Rainbow Ward**

1070 **Clerk:** Question 288, the Hon. Mrs I M Ellul-Hammond,

1075 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the Primary Care Clinic for children will be moved to Rainbow Ward?

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

1080 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Question 291/2013.

**Clerk:** Question 291, the Hon. Mrs I M Ellul-Hammond.

1085 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how his second 'Ministerial Initiative' in relation to children's health, which he committed to in his Budget speech, has borne fruit and been taken forward?

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

1090 **Hon. Dr. J E Cortes:** Mr Speaker, meetings have been held with the paediatricians and general practitioners and a number of initiatives are under discussion, including the possibility of co-siting primary and secondary care for children.

1095 **Assistant nursing positions  
Number filled since 2012 Budget**

**Clerk:** Question 289, the Hon. Mrs I M Ellul-Hammond.

1100 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state, of the 33 new assistant nursing positions earmarked by the Budget of 2012/13, how many have been filled on a full-time basis?

1105 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, all 33 posts were filled with full-time staff at the time.

1110 **GP contract  
Improvements in service provision**

1115 **Clerk:** Question 290, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain whether the GP contract has been dealt with, after the Minister for Health said in his Budget speech of 2012 that a concern of his was – and I quote – ‘the failure to deal with the impact of the GP contract’.

1120 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, what I was referring to in my Budget speech last year was the fact that, when the Government of the time signed the contract with the General Practitioners in 2007, they agreed to reduce the maximum number of patients seen from 20 to 18 for routine clinics and from 50 to 35 for emergency clinics. This potentially converts to up to 20,000 fewer slots a year.

1125 Mr Speaker, I was not decrying the reduction in patients seen per doctor, as overcrowding slots is good neither for patient nor doctor. My concern was the fact that this had not been compensated for, contributing to some of the problems of difficulty to get appointments.

1130 I have been meeting regularly with the GPs on such issues, and we are identifying improvements. In the meantime, we have taken some steps to improve the situation. These are the provision of a locum as additional long-term cover, and the consolidation of the buddy system at weekends.

1135 **GHA complaint system  
Working procedure**

1140 **Clerk:** Question 292, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how the new GHA complaints process will work?

1145 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the matter is currently under discussion with the Ombudsman and I intend to lay a Bill before Parliament in the very near future.

1150

**Free dental care  
Entitlement and registration**

**Clerk:** Question, 293, the Hon. Mrs I M Ellul-Hammond.

1155

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise which adult groups are eligible for free dental health care on the GHA and the process to go about registering for this free service?

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

1160

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, any person with exempt status or under the District Medical Services who is in receipt of a Welfare Grant or benefit is eligible for free dental healthcare.

Applicants will complete a form where income is declared, and so eligibility is determined.

1165

**Sponsored patient escorts  
Allowance entitlements**

1170

**Clerk:** Question 294, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise on the allowance entitlement for an escort of a sponsored patient who is either a friend or a family member, other than the spouse?

1175

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

1180

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, all official sponsored patient escorts are entitled to the same allowance, regardless of relationship.

Details on how the allowances are worked out – and they have not changed since 9th December 2011 – is given in the schedule that I now hand over.

Answer to Question 294 of 2013

Households weekly income – ½ the household weekly outgoings = Disposable income is X

If patient & escort live in the same household then the max allowance of £854 – X = weekly sponsored patient allowance

If patient & escort live in separate households then the max separate allowance of £427 – X = weekly sponsored patients allowance.

The max rates for a patient staying in rented accommodation is £427 each total £854

The max rate for patient staying in Calpe house or friends and family £157 each total £314

A computer formula works out based on where the patient is staying.

1185

**Mr Speaker:** Would the hon. Lady ask the next Question while she reads the schedule, please.

1190

**Sponsored patient escorts  
Allowable hours outside Gibraltar**

**Clerk:** Question 295, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise what the maximum

1195 length of time an escort is able to remain with a Sponsored Patient, while receiving treatment outside of Gibraltar, and remain in receipt of an allowance?

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

1200 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, there is not a maximum length of stay for an escort to remain with a sponsored patient. An escort is provided to a patient whilst receiving treatment or actively involved with the tertiary centre. The escort, throughout this time, is entitled to remain in receipt of an allowance.

1205

**‘Healthy living’ policy for over-60s  
Abdominal aortic aneurysm screening**

1210 **Clerk:** Question 296, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise whether abdominal aortic aneurysm screening, for the over 60 year olds, will be considered as part of the Government’s ‘healthy living’ policy?

1215

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

1220 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Indeed, Mr Speaker. Discussions are advanced on the introduction of screening for abdominal aortic aneurysm, with a multi-disciplinary team actively planning the programme.

1225

**‘Enrolled’ nursing grade course  
Recognition and validation**

**Clerk:** Question 297, the Hon. Mrs I M Ellul-Hammond.

1230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if the new ‘Enrolled’ nursing grade course is recognised and validated by Kingston & St George’s University and by the Royal College of Nursing? What training will be offered and what accredited qualifications will be attained?

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

1235 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the NVQ Level 3/Enrolled Nurse training is validated, not by Kingston & St George’s University but by Edexcel, a UK based education and training establishment which gives the student a qualification which is recognised both nationally and internationally. The Royal College of Nursing is a professional association for nurses and is therefore not a validating authority for any nursing programme.

1240 The training will consist of a 55 week programme which is split between clinical practice and theory. Students will spend 36 of these weeks in clinical practice, achieving clinical competencies linked to the NVQ 3 qualification. The remaining weeks will be spent in the School of Health Studies for the theoretical component, which will be assessed using various assessment methods.

1245 When these students have completed and have been successful, this qualification will be recognised by Kingston & St George’s University as an entrance to the degree programme, (together with 5 GCSEs, including English and Maths) should these students want to progress to Staff Nurse level.

1250

**Numbers awaiting surgery  
Waiting list initiatives**

**Clerk:** Question 298, the Hon. Mrs I M Ellul-Hammond.

1255 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if he is satisfied with the current level of people awaiting surgery, at 1,044, and what is the GHA doing to address this and

bring the numbers down?

1260 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I think I should first comment that the number of people on a waiting list varies depending on the balance between those leaving the list and those entering; and does not provide a picture of surgical activity, rather the relative rate of surgery as against identification of the need for surgical intervention.

1265 The important issue, however, is not the number of people on these lists, but how long they wait. Having said that, no, Mr Speaker, I am not at all satisfied.

I am working with the theatre teams and management on a number of initiatives that are aimed at reducing these numbers drastically.

1270 Achieving this is involving changing ways of working that have remained unchanged, and even unanalysed, for years. Fortunately, I have a team of greatly re-invigorated professionals who have responded magnificently to my initiatives and who will, I am certain, achieve this.

1275 **Maximum number of registered pharmacies  
Discrepancy in legislation**

**Clerk:** Question 299, the Hon. Mrs I M Ellul-Hammond.

1280 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain the discrepancy in answer to Written Question No 245/2012, where it states – and I quote – ‘There is no maximum number of pharmacies allowed to register and dispense medication prescribed by the GHA’, and the ‘Medical and Health (Registration of Pharmacies) Regulations 2008’, under Section 69 of the ‘Medical Health Act’, which provides conditions according to the location and number of existing pharmacies?

1285 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1290 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, there is no contradiction or discrepancy, and the hon. questioner seems to have either misread or failed to understand the legislation.

Section 69 of the Medical and Health Act states – and I quote –

1295 ‘No premises shall be used for the sale by retail of any medicinal product (other than a medicinal product specified in the general sale list) or poison unless the premises have been registered as a pharmacy by the Board’.

This clearly does not limit the number of premises that can be registered.

The 2008 Pharmacy Regulations list, in section 6, a series of criteria that the Board has to consider in order to be able to register a pharmacy. Provided these criteria are satisfied, the premises may be registered as a pharmacy.

1300 The statute does not provide a limit to the number of pharmacies. Therefore, Mr Speaker, my answer to Written Question No. 245/2012 is absolutely correct.

1305 **ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY**

**Future Job Strategy; Maritime Cadet Training Scheme  
Employment details and statistics**

1310 **Clerk:** We now move to questions being posed to the Minister for Enterprise, Training, Employment and Health & Safety.

Question 342, the Hon. D J Bossino. Question 342.

1315 **Hon. D J Bossino:** Can the Minister for Employment confirm that Employment and Trading Company Limited, Construction and Training Company Limited, Supported Employment Company Limited and Grad Limited are involved in the Future Job Strategy scheme, whether any other companies have been set up and who the managers of each of these and any other companies which may have been set up are?

- 1320 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this Question together with Questions, 345, 346, 347, 363, 348, 349, 350, 351, 352, 353, 356, 358 and 362.
- 1325 **Clerk:** Question 345, the Hon. D J Bossino.
- Hon. D J Bossino:** Can the Minister for Employment provide details of the training, to include qualifications, which is undertaken by trainees of the Future Job Strategy, who are trained for specific jobs such as carers in the Care Agency and the School of Nursing?
- 1330 **Clerk:** Question 346.
- Hon. D J Bossino:** Further to Question No. 852/2012, can the Government advise how many of the successful applicants for the 40 AA grades were on the unemployment list and for how long, or employed pursuant to the Future Job Strategy?
- 1335 **Clerk:** Question 347.
- Hon. D J Bossino:** Can the Minister for Employment advise this House if the arrangements for apprenticeship schemes have been finalised?
- 1340 **Clerk:** Question 363.
- Hon. D J Bossino:** Can the Minister for Employment advise on how many occasions... (*Interjection*)
- 1345 **Clerk:** Question 363. Sorry.
- Hon. D J Bossino:** Can Government provide details of how many Trainees have been enrolled to pursue Vocational Apprenticeships... 363? (**Clerk:** 363)
- 1350 Mr Speaker, this is Mr Reyes' Question.
- Clerk:** Question 363, the Hon. E J Reyes.
- Hon. E J Reyes:** Can Government provide details of how many Trainees have been enrolled to pursue Vocational Apprenticeships since January 2012, giving a breakdown of start dates as Trainees, type of accredited course or courses being followed and projected date or dates for completion of any training being undertaken?
- 1355 **Clerk:** Question 348.
- Hon. D J Bossino:** Can the Minister for Employment advise this House how many potential employers have, to date, signed contracts with Employment and Training Company Limited or any other Government company participating in the Future Job Strategy, guaranteeing employment to participants of the scheme, with details of the numbers of participants in respect of each company?
- 1360 **Clerk:** Question 349.
- Hon. D J Bossino:** Can the Minister for Employment advise this House how many employers participating in the Future Job Strategy have reneged on the job guarantee?
- 1365 **Clerk:** Question 350.
- Hon. D J Bossino:** Can the Minister for Employment advise what determines the duration of the fixed term contracts provided under the Future Job Strategy and who determines it?
- 1375 **Clerk:** Question 351.
- Hon. D J Bossino:** Further to Question No. 987/2012, can the Minister for Employment provide an update of the employers who have signed contracts with Employment Training Company Limited in respect of Future Job Strategy trainees and have the benefit of a contract with the Government, any public
- 1380

authority or Government owned company for the provision of goods and/or with a value in excess of £2,000?

1385 **Clerk:** Question 352.

**Hon. D J Bossino:** Further to Question No. 180/2013, can the Minister for Employment state how many Future Job Strategy trainees have been employed, broken down by month, indicating where they have been employed?

1390 **Clerk:** Question 353.

**Hon. D J Bossino:** Can the Minister for Employment advise on how many occasions he has met with trainees on the Future Job Strategy scheme since it began on 1st February 2012?

1395 **Clerk:** Question 356.

**Hon. D J Bossino:** Can the Minister for Employment advise how many of those trainees who were originally with the VTS on 1st February 2012, continue to be employed by ETCL or any other Government-owned employer companies participating in the Future Job Strategy?

1400 **Clerk:** Question 358.

1405 **Hon. D J Bossino:** Can the Minister for Employment provide current details of how many individuals are participating in the Future Job Strategy, with details of where they are carrying out their placement/training, to include private entities or individuals (such as private companies or partnerships) and in each case the names of such entities and names of the Government Departments, Agencies and Authorities; which Future Job Strategy company they are employed by; what the duration of their contracts are; and how many of these trainees have guaranteed jobs following conclusion of their Future Job Strategy contracts?

1410 **Clerk:** Question 362, the Hon. E J Reyes.

1415 **Hon. E J Reyes:** Mr Speaker, can Government provide details of any changes there may have been to the statistics published on its website at Table ED 18, which shows the total number of Gibraltar students undertaking the Maritime Cadet Training Scheme, but which currently only provides details up to 2nd May 2012?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1420 **Hon. J J Bossano:** Mr Speaker, there is a parent company, Economic Development and Employment Company, of which the four companies mentioned in the Question are subsidiaries. The parent company and the subsidiaries are managed by Civil Servants and GDC employees in the Ministry of Enterprise, Training and Employment, with the support of some of the graduates in training.

1425 In the Care Agency the trainee carers are provided with the necessary experience to meet the requirement that enables them to take up employment and, in the case of the School of Nursing, they are currently being trained to obtain a BSc. in nursing.

Of the AAs – the 40 AAs – two were from the unemployment list, one of whom had been registered since 20th February 2013 and the other since 25th July 2012 and one person was a former trainee.

1430 The arrangements for apprenticeship schemes have not yet been finalised, and therefore no apprenticeships have been started yet.

211 potential employers have signed contracts to provide employment to trainees placed with them in the private sector.

The number of trainees per employer is as follows:

1435 136 employers with 1 trainee each; 37 with 2; 16 with 3; 4 with 4; 3 with 5; 3 with 6; 7 with 7; 1 with 9; 1 with 10; 1 with 17; and 1 company with 21

4 employees have failed to honour the Future Job Strategy job guarantee. 4 Employers, sorry – employers. I think this is the same figure that I gave the last time in the answer, so I do not think there has been any increase.

1440 The standard policy in terms of length of training is to provide trainees for a 3-month period, but, where the training requires more time because of the nature of the work, the officer in the Employment Service dealing with the placement provider can authorise a longer period.

Further to my answer to Question 987/2012, I am informed that the following two companies have



Government contracts with a value in excess of £2,000; GibrFlora and AM Capurro & Sons.

1445 Since the answer to Question 180/2013, the number of trainees employed has been, by month, as follows: February – 16 in the Private Sector and 7 in the Public Service; March – 18 in the Private sector; and none in the Public Service; April – 16 in the Private Sector, 6 in the Public Service. I have met all the trainees on one occasion at the beginning of the scheme.

1450 93 trainees who were in VTS prior to 1st February 2012 continue to be employed by the Employment Training Company Limited.

1455 As I have explained on a number of occasions previously, trainee carers in the Care Agency and trainee nurses in the Health Authority are guaranteed employment on completion of their training, as are trainees in the Private Sector covered by Business Partnership Agreements. The duration of the contracts depends on the nature of the training, other than those individuals that were inherited from the previous scheme, the number just given, and still remain in training pending the opportunity of finding them suitable employment. The number in this group is the subject of a separate Question, which I have already answered.

The overall number of trainees as at the end of March 2013 was 193 in the Public Sector and 260 in the Private Sector.

1460 Statistics regarding the Maritime Cadet Training Schemes are reviewed on a monthly basis. They were updated in September 2012 to include a new cadet. They will soon be updated again to reflect that this cadet has left the course.

1465 **GDC employees  
Details and grades**

**Clerk:** Question 343, the Hon. D J Bossino.

1470 **Hon. D J Bossino:** Can the Minister for Employment provide the numbers of new employees which have been employed by the GDC since 9th December 2011 and how many of those have been recruited from the pool of Future Job Strategy trainees?

1475 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** 343? I will answer this Question with 344.

1480 **Clerk:** Question 344, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment advise this House how many individuals are currently employed by the GDC, with details of the grades they hold and where they are currently placed?

1485 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Hon. J J Bossano:** Mr Speaker, six persons have been employed by the GDC since 9th December 2011. None have been recruited from the Job Strategy trainees.

1490 As at March 2013, there were 88 employees in the GDC in the following grades: 1 Finance Centre Director; 1 Manager, Employment Service; 1 Legislation Officer; 1 Grade 5T; 3 Grade 5; 17 Grade 4; 14 Grade 3; 29 Grade 2; 19 Grade 1; 1 Traffic Warden; 1 Industrial Grade.

1495 They were placed as follows: 3 employees at Convent Place; 5 in the Housing Administration Department; 3 in Family & Community Affairs; 1 in Education; 3 in Financial Services; 35 in the Employment Department; 2 in Port & Shipping; 32 in Tourism; 2 in Public Transport & Commercial Affairs; 1 in Culture & Heritage; and 1 in the Legislation support Unit.

1500 **Unemployment trends  
Details, benefit and resident construction workforce**

**Clerk:** Question 354, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment advise this House how many of the vacancies opened at the ETB have been filled by individuals who are in employment?

- 1505 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with 355 and 357.
- 1510 **Clerk:** Question 355.
- Hon. D J Bossino:** Can the Minister for Employment report any progress, if at all, in relation to the building up of a resident workforce for the construction industry, as he has stated previously in this House?
- 1515 **Clerk:** Question 357.
- Hon. D J Bossino:** Further to Question No. 1059/2012, can the Minister for Employment state how many people were registered unemployed as at the end of the fourth quarter of 2012 and the first quarter of 2013 and on a month by month basis since September 2012, the number of applications made and accepted for unemployment benefit.
- 1520 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- 1525 **Hon. J J Bossano:** Mr Speaker, in the calendar year 2012, 5,545 vacancies opened at the ETB have been filled by individuals in employment.
- Based on the records of the Employment Service – which are not 100% accurate – the resident workforce in the construction industry increased by 40 since December 2011.
- 1530 The total number of persons registered unemployed as at the end of the fourth quarter of 2012 was 403, that is Gibraltarians, and the number at the end of the first quarter of 2013 of this year was 463.
- The number of applications made and accepted for unemployment benefit by month is as follows, since September 2012: September – 42 received; 44 approved: this is because, in fact, it can be received in one month and approved in the next. October – 52 received, 45 approved; November – 48 received, 40 approved; December – 28 received, 33 approved; January 2013 – 44 received, 31 approved; February – 33 received, 35 approved; and March – 46 received, and 35 approved.
- 1535
- Inward investment  
EU development aid and private funding**
- 1540 **Clerk:** Question 359, the Hon. D J Bossino.
- 1545 **Hon. D J Bossino:** Can the Minister with responsibility for inward investment provide details of any development aid and EU funding which has been approved since the Government took office?
- Clerk:** Answer the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- 1550 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker I will answer this question together with Question 360.
- Clerk:** Question 360.
- 1555 **Hon. D J Bossino:** Can the Minister with responsibility for inward investment report to the House what inward investment has come to Gibraltar since 9 December 2011?
- Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- 1560 **Hon. J J Bossano:** Mr Speaker, there has been no development aid granted in the period in the question.
- Since December 2011, the following ERDF funds have been provided and I will give the hon. Member the recipient's name and the amount provided.
- 1565 CMCI Limited £9,986.03; Jury's Café and Wine Bar Limited £69,820.20; Eazi Telecom Limited £148,140.92; Brilliant Nurseries Limited £19,920; i-Golf (Gibraltar) Limited £140,429; Arena Leisure Limited £34,083.01; Rock Cool Limited £19,786.80; Oasis Eatery Limited £10,523.75; The Mexican Grill Bar Limited £53,013.16; Classic Cuts Limited £15,879.25; The Crab Shack Limited £15,873.42;

1570 Driver and Vehicle Licencing Department (which is a Government Department) £29,256.92; Gibraltar Chronicle Printing Limited £9,461.54. There are four Tourist Board Projects which received, in turn, £141,183.44; £28,962.87; £50,731.69; £44,420.38. Casa Brachetto Limited received £18,949.09; Siddharth Limited £9,804.55; Piece of Cake Limited £11,247.07; GibCargo Limited £19,948.92; Free Style Leisure Limited £19,912.24; Mr Noodles £18,003.12. That is the complete list of EU Funding.

1575 As regards the investments, in the calendar year 2012, 400 new business activities were registered with the Enterprise and Employment Department. Some 10% of these new employers involve participants from outside Gibraltar which, in some cases, amounted to 100% of the ownership.

**Accommodation for Moroccan workers  
Replacement for Buena Vista and Devil's Tower Road Hostels**

1580 **Clerk:** Question 361, the Hon. Mrs I M Ellul-Hammond.

1585 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government advise what plans they have to rehouse the Moroccan workers in Gibraltar after they vacate the Buena Vista and Devil's Tower Road Hostels?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1590 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Government is currently considering a number of alternative options.

**Factory Inspections  
Statistics and accident details / Health & Safety Committees**

1595 **Clerk:** Question 364, the Hon. J J Netto.

1600 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety please clarify why, in the monitoring activities carried out by the Factory Inspector for the month of January, February and March of 2013, as shown in the Government website in Table HS.1, there are a total of one hundred and seventy-seven activities, of which one hundred and eleven were carried out in the construction industry?

1605 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer the Question together with Questions 365, 366, 367, 368, 369,370 and 371.

1610 **Clerk:** Question 365.

1615 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide Parliament with a summary of the two major reportable accidents, one in February and the other one in March, as reported on the Government website under Table HS.2, stating, amongst other things, the name of the company in which such employees worked and the reason for the accidents as judged by the Factory Inspectors?

**Clerk:** Question 366.

1620 **Hon. J J Netto:** Mr Speaker, can the Government say if the existing Health and Safety Committees that exist in Government Departments, Authorities, Agencies and Government-owned companies collate health and safety statistical information regarding the organisation they belong to?

**Clerk:** Question 367.

1625 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment and Health & Safety please say what Health and Safety training has been provided to Future Job Strategy trainees either whilst working for Gibraltar Employment Training Company Limited or while seconded to another company, since commencement of this Government policy?

**Clerk:** Question 368.

1630 **Hon. J J Netto:** Mr Speaker, can the Government name the various Health and Safety Committees which exist in Government Departments, Authorities, Agencies and Government-owned companies and state the number of occasions when such committees met during 2012 and 2013 on a monthly basis?

**Clerk:** Question 369.

1635 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety say if, following the recently acquired software programme for the Factory Inspectors, they will now be in a position to renew the publication of annual reports on statistical information on Health and Safety?

**Clerk:** Question 370.

1640 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide Parliament with the names of the companies that were issued with two prohibition notices and two improvement notices in January and February 2013, the site in which the notices were issued and stating the period covered by the prohibition notices before the companies complied with the terms of the notices.

1645

**Clerk:** Question 371.

1650 **Hon. J J Netto:** Mr Speaker can the Minister for Health and Safety provide the April 2013 statistics on monitoring activities, occupational reportable accidents, enforcement activities, number of times legal advice has been sought and reasons for Factories Inspector issuing Improvement and Prohibition Notices, as these figures were not available at the time Notice for Questions was given?

1655 **Hon. J J Bossano:** Mr Speaker, the monitoring activities are carried out by the Inspectors on the basis of their professional knowledge and experience.

I can only surmise that the higher incidents of monitoring of construction sites is due to the fact that, unlike other establishments, different building sites are constantly closing and being opened whilst a bank or a shop, for example, continues to provide the same working environment, once inspected. In addition, the last report published for 2006 showed that accidents on building sites far outnumbered those in other industries.

1660 Details of the two accidents referred to in Table HS.2 are as follows:

1. The major accident that occurred on 15th February 2013 concerned a qualified electrician aged 52. He fell off a step ladder whilst repairing an electrical fault at a school, causing a fractured right wrist.
2. The major accident that occurred on 19th March 2013 concerned a 40-year old. He slipped on a slippery surface whilst delivering 18.9 litre water bottles, causing breakage and displacement of the bone on the right hand.

1665 The Inspectorate considers that extra care and attention by those involved could have been exercised and are nonetheless satisfied that no further investigation was needed. I am informed, as regards the question of the committees, that no such committees have ever existed within Government Departments, Authorities, Agencies or Government-owned companies. Therefore, there have never been any meetings of any such committees.

1670 The Employment Training Company does not undertake any work itself. Its employees are placed with training providers, who give them the same Health and Safety training as they give the rest of their staff in the same work environment.

1675 I am informed that the last Annual Report was produced by outside consultants in 2007. I am not aware why it was discontinued nor that the issue was that the right software was available since the Inspectorate, I understand, was not involved in its production previously.

Two prohibition notices were served, one in January on Suite 18-20, Block 3, Water Gardens for not complying with the Construction, Design, Management Regulations, and one in February on North Mole Industrial Park for not notifying the project as per (CDM) Construction Design Regulations.

1680 The two improvement notices were in February on 265 Main Street for non-compliance with Workplace (Health, Safety & Welfare) Regulations and Control of Asbestos at Work Regulations. The second, in February, was on 309 Main Street for non-compliance with Workplace Regulations in relation to fire extinguishers, escape routes and general housekeeping. All the parties complied with the requirements within two or three days.

1685 Health and Safety statistics for the month of April 2013 are as follows: monitoring activities – meetings, 8; advice, 7; complaints, 1; inspections, 15; follow-ups, 3; and site visits, 12; occupational reportable accidents – 3 minor accidents; enforcement activities – nil; legal advice – nil; reason for Factory Inspectors issuing Improvement and Prohibition Notices – nil.

1690

**Financial Services and Gaming  
Jobs lost and created in 2012-13**

1695 **Clerk:** Question 372, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, will the Chief Minister please state how many jobs were lost in (a) the Financial Services Sector and (b) the Gaming Sector in 2012 and 2013.

1700 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health and Safety.

**Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** I will answer this Question together with Question 373.

1705 **Clerk:** Question 373.

**Hon. D A Feetham:** Will the Chief Minister please state how many new jobs were created in (a) the Financial Services Sector and (b) the Gaming Sector in 2012 and 2013.

1710 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Hon. J J Bossano:** Mr Speaker, it is impossible to provide the information requested without a manual check for every month of 2012 and 2013 of every single employer classified within the Financial Services Sector and the Gaming Sector.

1715 The Question requires that, in respect of each such employer, the job titles be examined in order to establish whether all the jobs that were registered with the Employment Service on 2nd January 2012, for example, were still there on 3rd January 2012 and, if not, how many had ceased to exist, as opposed to becoming vacant. Equally, there would have to be another exercise to look at the jobs on 3rd January 2012 to discover whether any new jobs had been created in addition to the jobs existing on 2nd January 2012 or to replace any jobs lost.

1720 The Gaming Industry, in particular, has a huge turnover of staff which may simply be replacing people leaving or maybe new jobs being created. In any event, the records of the Employment Service are not so accurate that they can be relied upon as evidence of the existence of any other jobs in these two sectors or any other sector of the economy, for that matter, since the registration of termination of contracts is frequently submitted after long delays or not at all. All that I can tell the House is that there is no evidence of an overall reduction in size of the two sectors in 2012 or 2013.

1725 On the basis of the numbers registered in the ETB under the industry Code for Banking, Insurance and Finance, there were 3,732 persons in employment in December 2011, 3,786 in December 2012 and 3,877 on 31st March 2013. Therefore, subject to the caveat that I have entered as to accuracy, the trend shows an increase in December over the previous year and an even bigger increase in the first quarter of this year.

1730 As regards Gaming companies, this is not a classified industry group and we therefore have to rely on the information provided by individual employers on the filling of vacancies and notices of terminations. For 2012, terminations were 662 from all the companies collectively and vacancies filled 1,028. For the first quarter of 2013, terminations have been 157 and vacancies filled 247. These figures indicate that the numbers in employment grew in both 2012 and the first quarter of this year in Gaming, as well as in Banking and Finance.

1740 **Government and Gibraltar Savings Bank Debentures  
Value, breakdown and investments**

**Clerk:** Question 374 the Hon. D A Feetham.

1745 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Government Debentures outstanding as at 11th December 2011?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1750 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this Question together with Questions 375, 376, 377, 378, 379, 380, 381, 382, 383 and 384.

**Clerk:** Question 375.

1755 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Government Debentures outstanding as at 1st May 2013?

**Clerk:** Question 376.

1760 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Gibraltar Savings Bank Debentures or other debt security outstanding as at 11th December 2011, giving a breakdown in respect of each issue outstanding.

**Clerk:** Question 377.

1765 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Gibraltar Savings Bank Debentures or other debt security outstanding as at 1st May 2013, giving a breakdown in respect of each issue outstanding.

1770 **Clerk:** Question 378.

**Hon. D A Feetham:** Will the Chief Minister provide a total value of Government Debentures which, since 11th December 2011, have been withdrawn or redeemed and then reissued or reinvested in other Government Debentures?

1775 **Clerk:** Question 379.

1780 **Hon. D A Feetham:** Will the Chief Minister provide a total value of Government Debentures which, since 11th December 2011, have been withdrawn or redeemed and then reissued or reinvested in Debentures or other debt security issued by the Gibraltar Savings Bank?

**Clerk:** Question 380.

1785 **Hon. D A Feetham:** Will the Chief Minister provide a total value of Government Debentures which, since 11th December 2011, have been withdrawn or redeemed and have not been reinvested in other Government Debentures or other debt security issued by the Gibraltar Savings Bank?

**Clerk:** Question 381.

1790 **Hon. D A Feetham:** Will the Chief Minister state what is the current maximum limit that any individual or entity can invest in Debentures or other debt security issued by the Gibraltar Savings Bank?

**Clerk:** Question 382.

1795 **Hon. D A Feetham:** Will the Chief Minister please state the total value of Gibraltar Savings Bank Debentures or other debt security outstanding as at 11th December 2011, how much is held by (a) residents of Gibraltar and how many of these are individuals or companies and (b) non-residents and how many of these are individuals or companies?

1800 **Clerk:** Question 383.

1805 **Hon. D A Feetham:** Will the Chief Minister please state, out of the total value of Gibraltar Savings Bank Debentures or other debt security outstanding as at 1st May 2013 how much is held by (a) residents of Gibraltar and how many of these are individuals or companies and, (b), non-residents and how many of these are individuals or companies?

**Clerk:** Question 384.

1810 **Hon. D A Feetham:** Will the Chief Minister please provide a breakdown showing how the proceeds from Gibraltar Savings Bank Debentures, or other debt security outstanding as at 1st May 2013, is invested or has been used by the Gibraltar Savings Bank?

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

1815 **Hon. J J Bossano:** Mr Speaker, the total value of Government Debentures outstanding as at 11th December 2011 was £320,616,300. As at 1st May 2013, the amount was £169,814,800. The total value of Savings Bank Securities outstanding as at 11th December 2011 was £261,689,867, broken down as follows:

	Monthly Income Debentures	£11,617,600
1820	Pensioners Monthly Income Debentures	£7,717,400
	Other Special Debenture Issues at 2%	£4,291,193
	8% Provident Trust Fund No. 2 Pension Scheme EX Bond No. 1	£515,355
	8% Provident Trust Fund (Bond 1)	£2,353,471
	8% Pension Rights and Gratuity Transfers (Bond 2)	£4,390,687
1825	8% Provident Trust Fund No. 2 Pension Scheme EX JMH	£80,570
	Gibraltar Provident Trust (JMH) Pension Scheme	£265,338
	GSL 11% Bond	£21,152
	Ordinary Deposits	£42,641,256
	Investment Call Accounts	
1830	Non-Government	£8,457
	Government (tentative)	£187,787,388

As at 1st May 2013, the value of the Savings Bank Deposits, Debentures and so forth, was £552,931,350, broken down as follows:

	Monthly Income Debentures	£8,124,900
1835	Pensioners' Monthly Income Debentures	£6,098,300
	Monthly Income Debenture Issue 1 (January 2012)	£5,786,900
	3-Year Fixed Term Monthly Income Debenture (February 2015)	£1,993,300
	3-Year Fixed Term Monthly Income Debenture (May 2015)	£3,000,000
1840	3-Year Fixed Term Monthly Income Debenture (August 2015)	£4,906,800
	3-Year Fixed Term Monthly Income Debenture (November 2015)	£1,170,900
	3-Year Fixed Term Monthly Income Debenture (January 2016)	£6,941,600
	5-Year Fixed Term Monthly Income Debenture (February 2017)	£24,980,800
	5-Year Fixed Term Monthly Income Debenture (May 2017)	£29,787,000
1845	5-Year Fixed Term Monthly Income Debenture (August 2017)	£22,229,600
	5-Year Fixed Term Monthly Income Debenture (November 2017)	£8,713,600
	5-Year Fixed Term Monthly Income Debenture (January 2018)	£52,267,900
	Limited Issue Fixed Monthly Income Debenture (31 December 2013)	£4,221,600
	5-Year Fixed Term Monthly Income Debenture (March 2018)	£44,610,100
1850	Other Special Debenture Issues at 2%	£2,344,118

**Mr Speaker:** Has the Hon. Minister, perchance, missed the Fixed Monthly Income, December 2015, £31,233,100?

1855	<b>Hon. J J Bossano:</b> I may have done, in which case I will read it out just in case:	
	Limited Issue Fixed Monthly Income Debenture (31 December 2015)	£31,233,100
	10-Year Accumulator Bonds	
	Maturing in February 2012	£877,300
	Maturing in May 2012	£2,856,400
1860	Maturing in August 2012	£662,200
	Maturing in November 2012	£569,100
	Maturing in January 2013	£2,754,600
	Pensioner Accumulator Bond	
	Monthly Income Pensioner Accumulator Bond, April 2012	£1,457,000
1865	Monthly Income Pensioner Accumulator Bond, August 2012	£2,133,300
	Monthly Income Pensioner Accumulator Bond, November 2012	£495,200
	Monthly Income Pensioner Accumulator Bond, January 2013	£1,905,000
	Ordinary Deposits	£57,748,117
	Non-Government Call Accounts	£1,271,283
1870	Government Accounts (tentative)	£221,791,332

Since 11th December, the total value of Government Debentures redeemed is £233.6m. The holders of the Debentures re-invested £65.9m in other Government Debentures and £123.8m in other debt securities of the Savings Bank and withdrew £43.9m: that is they were repaid in cash, that amount.

1875 The only current maximum investment is in respect of Ordinary Accounts, where it is £100,000 per person, or in Monthly Income Debentures, where it is £50,000 per person

The information detailing the values of Debentures or securities of the Savings Bank held by

1880 residents, non-residents, individuals and companies for 11th December 2011 is not readily available and may take some time to compile from a manual examination of each individual account – it is not held in electronic form – so I will provide that to the Member when the exercise is completed. The position for the current date, of course, is much easier and has been done and, therefore, I can tell him that, on 1st May 2013, non-residents, all of whom had individual accounts – there were no company accounts for non-residents – held less than 1% of the value of the total debt of the figure that I have already given him. In respect of the residents, who were 99% of the total, less than 1% of that 99% was held by local companies, so 99% are residents and 98 of those 99 are individuals and not companies.

1885 The list of investments of the Gibraltar Savings Bank is contained in the schedule which I now hand over to the hon. Member.

**ANSWER TO QUESTION 384**

**SAVINGS BANK FUND STATEMENT OF INVESTMENTS ON 31 MARCH 2012  
SHOWING MARKET VALUE ON THAT DATE**

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31 3 12
EIB FLOATING RATE NOTE 30/01/14	£20,000,000.00	100.027 0.193	£20,005,327.20 £38,538.63	£20,043,865.83
EIB FLOATING RATE NOTE 19/02/2015	£20,000,000.00	100.025 0.128	£20,004,957.80 £25,661.59	£20,030,619.39
EIB FLOATING RATE NOTE 05/01/16	£25,000,000.00	99.925 0.272	£24,981,232.25 £68,083.73	£25,049,315.98
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.006 0.225	£4,235,254.23 £9,519.85	£4,244,774.08
DEUTSCHE BANK FRN 26/04/12	£5,000,000.00	99.973 0.203	£4,998,671.20 £10,146.77	£5,008,817.97
JP MORGAN CHASE FRN 27/06/12	£6,000,000.00	99.853 0.012	£5,991,153.72 £744.00	£5,991,897.72
DEXIA CREDIT LOCAL FRN 01/04/14	£12,000,000.00	99.557 0.358	£11,946,832.92 £42,936.09	£11,989,769.01
RABOBANK NEDERLAND FRN 06/06/14	£18,000,000.00	99.984 0.106	£17,997,203.34 £19,027.97	£18,016,231.31
FMS WERTMANAGEMENT FRN 16/06/14	£10,000,000.00	100.140 0.052	£10,014,044.60 £5,203.52	£10,019,248.12
CAISSE D'AMORT DETTE SOC FRN 30/06/14	£10,000,000.00	100.000 0.003	£10,000,000.00 £349.83	£10,000,349.83
KFW FRN 09/03/15	£17,000,000.00	99.918 0.069	£16,986,020.56 £11,690.11	£16,997,710.67
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.085	£5,004,241.05	£5,009,269.62



		0.101	£5,028.57	
GIH FRN 02/04/12	£12,500,000.00	100.000	£12,500,000.00	£12,500,684.93
		0.005	£684.93	
ROYAL BANK OF SCOTLAND GBP CALL A/C	£16,709,957.50	100.000	£16,709,957.50	£16,710,300.86
		0.002	£343.36	
CROWN AGENTS BANK	£754.46	100.000	£754.46	£754.46
BARCLAYS BANK PLC	£97,262,019.82	100.000	£97,262,019.82	£97,315,628.88
		0.055	£53,609.06	
NATIONAL WESTMINSTER OFFSHORE LTD	£8,704,857.37	100.000	£8,704,857.37	£8,704,857.37
BANK OF ENGLAND	£2,002,832.49	100.000	£2,002,832.49	£2,002,872.00
		0.002	£39.51	
	£289,415,421.64		£289,636,968.03	£289,636,968.03

**Mr Speaker:** We will now have a twenty minute recess.

*The House adjourned at 4.52 p.m. and resumed its sitting at 5.25 p.m.*

1890

### EQUALITY, SOCIAL SERVICES AND THE ELDERLY

1895

#### Chaplow Wilson Associates Alzheimer and Dementia design projects

**Clerk:** Answers to Questions continue.

Question 300/2013, the Hon. Mrs I M Ellul-Hammond.

1900

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what were the last five Alzheimer and Dementia design projects Mr Bob Wilson from Chaplow Wilson Associates advised on, not necessarily in Gibraltar, giving the dates?

1905

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, Mr Wilson has informed me of the following – after thirty years in the building industry, latterly as a Managing Director, he commenced his involvement with designing for people with dementia almost twenty years ago with Methodist Homes for the Aged, a major national operator in the field of dementia care in the UK. Whilst with MHA, he created a design concept for one of the first purpose-built design dementia homes in the UK which was completed in 1996 and is still regarded as a leader in the field.

1910

The successful design concept was quickly repeated in a second home in Stoke-on-Trent and in several other existing homes across the UK, where extensions to provide dementia care accommodation could be provided. On leaving MHA in 2000, he set up Chaplow Wilson Associates to provide specialised services in designing for dementia. He was also invited by the Joseph Rowntree Foundation to join a Professor of Dementia Care at Northampton University to produce a Good Practice Guide for the design and management of care homes for people with dementia, published in 2002. It is regularly used as a reference document.

1915

1920

Furthermore, Mr Wilson has conducted feasibility studies and has advised various commercial organisations. He has also contributed to workshops and presented papers for designing on dementia. The following list shows significant projects in which Mr Wilson was a consultant advisor –

1925

Methodist Homes for the Aged Guernsey Limited 2005/2010 – this was a finalist in the highly-regarded Pinders Healthcare Design Award; Whitepost Healthcare Group Limited, 2008/2009; St. John's Home, Northampton 2005/2006; Lancashire County Council 2003/2004; Colten Healthcare Limited 2002 – Winner of the Pinders Healthcare Design Award.

1930

**National Dementia Strategy**  
**Date of publication**

1935

**Clerk:** Question 301, the Hon. Mrs I M Ellul-Hammond.

1940

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the Government will be publishing its National Dementia Strategy for the treatment and care of people with Alzheimer and Dementia and what will the Strategy include?

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

1945

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Care Agency is working with the GHA on a National Dementia Strategy. This project is led by the GHA and involves a multi-disciplinary team of relevant professionals in this field.

1950

The Strategy document is still a draft working document and, as such, I cannot at this stage say what it will include but, generally, it will deal with the incidence of dementia, services and facilities available. It is envisaged that the plan will be published at the end of the year. I would add that action in dealing with dementia will not await the publication of this document.

1955

**RNH Alzheimer and Dementia facility**  
**Date of completion**

**Clerk:** Question 302, the Hon. Mrs I M Ellul-Hammond.

1960

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what the date of completion for the Alzheimer and Dementia facility at the former RNH site is?

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

1965

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, on the current timescales, we envisage that it will be completed by the end of this year. As with everything in major construction works, it may be that this means early next year.

1970

**John Mackintosh Wing elderly accommodation**  
**Cost and timescale of conversion to Dementia facility**

**Clerk:** Question 303, the Hon. Mrs I M Ellul-Hammond.

1975

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services confirm that the completed – since April 2012 – brand new independent living quarters for the elderly at the John Mackintosh Wing of the former St. Bernard's Hospital will be gutted and converted into a dementia facility and how much will this cost and when will this be ready?

1980

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

1985

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Government embarked on show-casing these flats to approximately 150 pensioners who were the target residents for these flats, which were built by the previous administration. The result was outstanding, in that only four or five people seemed interested and even these were subject to conditions such as the choice of flat. The main criticism by the public was that the flats were too small and that they were not in an accessible area. This is in addition to the criticism by professionals as to the layout of these flats.

1990

With regard to the practicality of the use of these flats, they could not be offered to people with mobility issues as it was practically impossible to move around the flat with a Zimmer frame or wheelchair and the shower step was too high and with no support.

The real question should be why it was that the previous administration spent over £3 million on a design that would not meet the needs of their targeted audience. After this fiasco and misuse of public monies, this administration is working on a design that will have facilities to care for people with Dementia and Alzheimers and will also have a wing for semi-independent living. Some of the gutting has

1995 already commenced. The full, detailed designs have yet to be finalised and therefore the cost of such a conversion has not yet been stipulated.

2000 **Registration of death  
One stop, simpler system**

**Clerk:** Question 304, the Hon. Mrs I M Ellul-Hammond.

2005 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services advise how the one stop system and simpler procedure after the death of a family member is being addressed, as per the request of the Gibraltar Senior Citizens Association?

2010 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, following representations made to us by the Senior Citizens Association, we are looking to establish a one stop system for the purposes of registering a death. Once arrangements have been finalised, Government will make an announcement.

2015

**Care facilities for looked-after children  
Ratio of staff per child**

2020

**Clerk:** Question 305, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services state how many care workers in care facilities are assigned per looked-after child, as at 30th April 2013.

2025

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, staff ratios for the number of care workers assigned to looked after children vary. Generally, the ratio of care worker to looked-after child is one to two. If a child has a disability which results in the need for greater care or has challenging behaviour, the ratio could be one to one. On 30th April 2013 this ratio was applied.

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**Looked-after children  
Counselling sessions**

2040 **Clerk:** Question 306, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many looked-after children are currently attending counselling sessions and who provides this service?

2045 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, currently six looked-after children attend counselling sessions provided by the psychological and therapeutic team at Social Services of the Care Agency.

2050

**Care Agency  
18-year old looked-after children**

2055 **Clerk:** Question 307, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many 18-year old looked-after children remain within the care of the Care Agency and, if so, explain why they have not been integrated back within the community?

2060

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, there are none.

2065

**Secure Children's Unit  
Location, resources and details**

2070

**Clerk:** Question 308, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services advise where the Secure Unit for children with severe challenging behaviour will be located, what specialist care plans will be provided for these children and what resources will be available either in-house, the Care Agency or externally for the needs of those looked after children?

2075

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Care Agency has not yet determined where the secure unit for children with severe challenging behaviour will be located.

2080

Options are being considered in regard to the service being either independently placed, or coterminously placed, within a Challenging Behaviour Unit. You will recall, however, that it was the GSD administration who removed the secure provision from the Children Act 2009.

2085

**St Bernadette's Resource Centre  
Maximising service users' potential**

2090

**Clerk:** Question 309, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in the Government's Press Release No. 173/2012, the Minister for Social Services stated that her ultimate aim for St. Bernadette's Resource Centre is to have a programme that will maximise the potential of each service user. Can the Minister advise whether she has achieved the goal set and what more needs to be done?

2095

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, as stated in the press release, the ultimate aim for St. Bernadette's is to have a programme that will maximise the potential of each service user. This is part of the on-going review of the disability services.

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2105

**St Bernadette's Resource Centre  
Expanding and improving service**

2110

**Clerk:** Question 310, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in the Government's Press Release number 173/2012, the Minister for Social Services stated that she would like to explore how such centres are run in other places, with a view to expanding and improving the service that is offered in Gibraltar to adults with learning disabilities. Can the Minister advise what centre or centres she has visited, what she has learned from visiting such a centre or centres, and what, if any, initiative has the Hon. Minister introduced as a result of the visits?

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2120 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the centres I have visited are as follows: Bangeston Hall, UK; Asansul Centre for Adults in Palmones and various Asansul Centres in La Línea

2125 During all these visits I have held meetings with the management of these centres and have discussed general issues such as managing the centre, activity programmes and staff training.

Following my visits I have discussed matters with the Care Agency management as part of our continuous review of the disability service.

2130

#### **Provision for disabled Improvements**

2135 **Clerk:** Question 311, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in the Government's Press Release number 801/2012, the Minister for Social Services stated then that we have made significant improvements for the disabled. Can the Minister advise what these improvements are?

2140

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, since taking office, equality is on this Government's agenda and we are undertaking a robust review of all matters, including disability.

2145

I am delighted to say that the following steps have been taken so far: assessment of the Gibraltar Parliament and plans to make it accessible as part of the refurbishment; assessment of St. Michael's Cave as part of the refurbishment and making it accessible – a platform lift installed for the use of wheelchair users and accessible toilets; accessibility audit of the Gibraltar International Airport; accessibility audit of the GSLA shallow pool and surrounding area, installation of a new hoist for disabled bathers into the sea, repair of the hoists into the pool and repair of toilet facilities; accessibility to Gibraltar beaches, Catalan Bay, Camp Bay and improvements to Eastern Beach; provision for people with disabilities at major public events, such as National Day, the Mega Concert and the Three Kings Cavalcade; celebration of International Day of people with disabilities for the first time; working on the creation of a disability register; working on disability legislation and, in particular, the UN Convention on the rights of people with disabilities; programme for disability awareness training being prepared for public service employees; funding of civil and public servants attending BSL Level 1 and 2 courses; programme for installation of voice synthesizers in lifts in Government estates; review of the Care Agency Disability Service and investment in staff training; establishment of Supported Employment Limited; increase of disability allowance by 16% with effect from August 2012; abolition of input duty on any vehicle which is adapted for the use of a person with a disability; additional funding for the contingencies budget; increase of 50% on top of the present rates of all sponsored patients in respect of sponsored patients who are disabled, changes to the assessment of disabled person's tax allowance and of the allowance based system.

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#### **Protection for the disabled United Nations Convention model**

2170

**Clerk:** Question 312, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services advise when the Government will legislate to further protect disabled people using the terms of the United Nations Convention on the rights of disabled persons as a model?

2175

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, this is currently being addressed. I am working with our lawyers on this important piece of legislation and aim to introduce it as soon as possible.

2180

**British Sign Language Course  
Cost of Government funding**

2185 **Clerk:** Question 313, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services state how much it cost for Government to fund the Level 1 British Sign Language Course of March 19th 2012?

2190 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

2195 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, this is a course that is organised and run by GHITA (Gibraltar Hearing Impaired Tinnitus Association). Government did not fund the course as such but paid for the fee for individuals from Government Departments who attended as part of the Government's Disability Awareness Policy. The cost of this was as follows: Care Agency, two attendees, cost £550; GHA, three attendees, cost £850; Department of Education, three attendees, cost £870.

2200 **British Sign Language Course, Level 2**

**Clerk:** Question 314, the Hon. Mrs I M Ellul-Hammond.

2205 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say who will be funding the Level 2 British Sign Language Course and state how much it will cost?

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

2210 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, this is a course that is organised and run by GHITA (Gibraltar Hearing Impaired Tinnitus Association), not the Government and I am, therefore, unable to comment how much the course will cost. I can confirm that the following employees of Government Departments will be attending: Care Agency, one attendee, £500; GHA, one attendee, £500; Department of Education, one attendee, £500.

2215

**Vulnerable adults with mental health issues  
Social Services safety net for those on remand**

2220

**Clerk:** Question 315, the Hon. Mrs I M Ellul-Hammond.

2225 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services advise what the Social Services safety net is for vulnerable adults with mental health issues who may be on remand for months?

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

2230 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, people on remand are the responsibility of the Prison Service. Adults with mental health issues come under the remit of the mental health team at the GHA, not the Social Services Department of the Care Agency. This has always been the position.

2235 Anyone with on-going mental health issues, to include those on remand, would be reviewed and receive treatment from the psychiatrist from the Mental Health Team at the request of the Superintendent of the Prison.

2240 **Rehabilitation at Bruce's Farm  
Numbers and details**

**Clerk:** Question 316, the Hon. Mrs I M Ellul-Hammond.

2245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many individuals have been undergoing rehabilitation at Bruce's Farm over the last eighteen months on a monthly basis and for what type of addiction?

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

2250 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, in the month of December 2011 there were two individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of January 2012 there were six individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of February 2012 there were six individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of March 2012 there were eight individuals undergoing rehabilitation for drug and/or alcohol and gambling addiction; in the month of April 2012 there were eight individuals undergoing rehabilitation for drug and/or alcohol and/or gambling addiction; in the month of May 2012 there were five individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of June 2012 there were six individuals undergoing rehabilitation for drug addiction; in the month of July 2012 there were five individuals undergoing rehabilitation for drug addiction; in the month of August 2012 there were three individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of September 2012 there were three individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of October 2012 there were seven individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of November 2012 there were five individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of December 2012 there were four individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of January 2013 there were four individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of February 2013 there were four individuals undergoing rehabilitation for drug and/or alcohol and/or gambling addiction; in the month of March 2013 there were three individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of April 2013 there were five individuals undergoing rehabilitation for drug and/or alcohol addiction; and, from the beginning of this month to 22nd May, there were four individuals undergoing rehabilitation for drug and/or alcohol addiction.

2275

**Shop Mobility services  
Suppliers of wheelchairs and scooters**

**Clerk:** Question 317, the Hon. Mrs I M Ellul-Hammond.

2280 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services provide this House with the names of all companies, trusts or charities involved in supplying wheelchairs and/or scooters to the Care Agency for the Shop Mobility services of Gibraltar since December 9th 2011?

2285 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, since 9th December 2011 no companies, trusts or charities have been involved in supplying wheelchairs and/or scooters to the Care Agency for the Shop Mobility services.

2290

## Questions for Written Answer

2295 **Clerk:** With that, we come to the end of Answers to Oral Questions and now we move to Answers to Written Questions.  
The Hon. the Chief Minister.

2300 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to the Written Questions numbers W32/2013 through to W58/2013.

Mr Speaker, I regret to say that it has not been possible in the time available to provide the answer to Written Question number 55, which will be provided as soon as possible and certainly before the end of the current meeting.

**SUSPENSION OF STANDING ORDERS**

2305 **Clerk:** Suspension of Standing Orders, the Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Bills.

2310 Those in favour? (**Members:** Aye.) Those against? Carried.

**BILLS**

2315

**FIRST AND SECOND READINGS**

**Development Aid (Amendment) Bill 2012  
First Reading approved**

2320

**Clerk:** Bills, First and Second Reading.

A Bill for an Act to amend the Development Aid Act: the Hon. the Chief Minister.

2325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Development Aid Act be read a first time.

**Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Development Aid Act be read a first time.

2330 Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Development Aid (Amendment) Act 2012.

2335

**Development Aid (Amendment) Bill 2012  
Second Reading approved**

2340 **Hon. Chief Minister:** Mr Speaker I have the honour to move that the Bill now be read a second time. Mr Speaker, the purpose of this Bill is to designate the Chief Minister, or such Minister as he may designate from time to time, as the person with responsibility to administer the provisions of the Act and that should be done under the proposed amendment either by the Chief Minister or from the person designated by notice in the *Gazette*.

2345 Mr Speaker, I circulated an amendment that I trust hon. Members have received after discussion with the Hon. the previous the Leader of the Opposition, Mr Caruana, as to the standard wording that would be used in that type of designation under previous sections that had been amended in that way, which would read as follows: 'Minister means the Chief Minister or such other Minister as the Chief Minister may, from time to time, designate by notice in the *Gazette*.' I understand that, with that amendment, hon. Members opposite would not have an issue with the proposed change and we are quite happy to move it in those terms.

2350

**Mr Speaker:** Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the Question, which is that a Bill for an Act to amend the Development Aid Act be read a second time.

2355 Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Development Aid (Amendment) Act 2012.

2360

**Development Aid (Amendment) Bill 2012  
Committee Stage and Third Reading to be taken at this sitting**

**Hon. Chief Minister:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading



2365 of the Bill be taken today, if all Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2370

**Tobacco (Amendment) Bill 2013**  
**First Reading approved**

2375 **Clerk:** A Bill for an Act to amend the Tobacco Act 1997, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.

2380 **Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

2385 **Clerk:** The Tobacco Amendment Act 2013.

**Tobacco (Amendment) Bill 2013**  
**Second Reading approved**

2390

**Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This Bill introduces two amendments to the Tobacco Act which extend the powers of the Magistrates Court in relation to things seized or which come into the possession of a Police or Customs officer in connection with any criminal offences under the Tobacco Act 1997. Essentially, the Bill gives power to the Courts to act in respect of such property as it may consider appropriate, something which we are advised the Courts at present have found that they do not have, given the exact terms of the Tobacco Act 1997.

2395

**Mr Speaker:** Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the Question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

2405 **Clerk:** The Tobacco (Amendment) Act 2013.

**Tobacco (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

2410

**Hon. Chief Minister:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2415 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2420

**Port Act (Amendment) Bill 2012**  
**First Reading approved**

**Clerk:** A Bill for an Act to amend the Port Act: the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

2425

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr

Speaker, I have the honour to move that a Bill for an Act to amend the Port Act be read a first time.

2430 **Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Port Act be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Port Act (Amendment) Act 2012.

2435

**Port Act (Amendment) Bill 2012**  
**Second Reading approved**

2440 **Hon. N F Costa:** Mr Speaker, I have the honour to move that the Bill be now read a second time.

On 6th December of last year, the Government introduced the Port Amendment (No. 2) Rules and the Gibraltar Merchant Shipping (Prevention of Pollution from Ships) (Amendment) Regulations 2012. The purpose of these measures was to stiffen penalties for polluters in British Gibraltar territorial waters. The Government hopes and expects that the new penalties for would-be polluters, which are in line with other European jurisdictions, will be dissuasive, even as they are proportionate. On the same day, the Government published the present Bill.

2445 We did so in order to clarify the already ample powers conferred by section 19 of the Port Act to make Rules such as the Port (Amendment No. 2) Rules, in particular the creation of indictable offences. We have done this, Mr Speaker, by proposing that the present section 19, paragraph J, of the Port Act, which deals specifically with penalties, and which is one of numerous, but non-exhaustive matters cited in section 19, for which the Government can make rules, is substituted with a new section 19J. The new section 19J makes express reference to the creation of indictable offences and expressly disappplies any limitations on penalties provided by section 23B of the Interpretation and General Clauses Act.

2450 As a further point, Mr Speaker, I have noticed that section 2 of the Bill says that the Port Act (Amendment) Act is amended and, of course, this should read 'the Port Act is amended'.

2455 Mr Speaker, this House will recall that, last year, in connection with the second reading of the Trade Licensing (Amendment) Bill, I expressly thanked the Hon. Mr Bossino for having called me before the debate to express his views on certain aspects of that Bill and, for the purposes of *Hansard*, I note that the hon. Gentleman wrote to me to set out three legal points in respect of this Bill that we currently debate, and which did prompt me to consider both the Bill and the Rules afresh in the light of the hon. Gentleman's queries and to once again consider the matter with my legal team.

2460 After due examination of all of these legal issues with Counsel, I have been satisfied of the position. I called the hon. Gentleman to discuss the reasons why I was satisfied with both the Bill as currently drafted and the Rules as currently drafted. Following our telephone discussion, however, I have agreed with the hon. Gentleman to amend the Port Rules in the manner that I have provided. I have shown him a copy which we have discussed behind the Speaker's Chair and with which he is content.

2465 Simply for the purposes of *Hansard*, Mr Speaker, I note that whilst the amendments to the Rules are not, in my view, and as I have advised the hon. Member, strictly necessary, I do take the point of the Hon. Mr Bossino that, given even the slightest chance that a would-be polluter may escape prosecution, it is best to err on the side of caution and effect the amendments that he proposed and which I will publish in the new Rules in the *Gazette*.

2470 I therefore take the opportunity to once again thank the hon. Gentleman for this constructive approach, which I am sure all hon. Members agree makes for better laws being enacted. In the light of the above, Mr Speaker, I commend the Bill to the House.

2475

**Mr Speaker:** Before I put the Question, does any hon. Member wish to speak on the general principles and merits of this Bill?

2480 **Hon. D J Bossino:** Yes, Mr Speaker, simply to confirm that the Opposition will be supporting this Bill and, in relation to the points that – I was just about to say my hon. Friend – the Hon. the Minister for the Port has said, as to the *modus operandi* which certainly I have adopted and he has gratefully accepted, in terms of making any technical issues which arise and putting them to him by e-mail and by telephone prior to the meeting of the House, is one when there is co-operation on the other side, can work to everybody's benefit, both in terms of occupying less time in this Parliament and, also as the hon. Member opposite rightly mentions, coming up with better law. So long, of course – and with this caveat – that it is set out, for the purposes of *Hansard*, what points were, in fact, raised, and I am satisfied that the hon. Member has done that.

2485

2490 **Mr Speaker:** I now put the Question, which is that a Bill – does the hon. Mover wish to reply?

**Hon. N F Costa:** No, Mr Speaker, thank you.

2495 **Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Port Act be read a second time.  
Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Port Act (Amendment) Act 2012.

2500

**Port Act (Amendment) Bill 2012  
Committee Stage and Third Reading to be taken at this sitting**

2505 **Hon. N F Costa:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2510

**Licensing and Fees (Amendment) Bill 2013  
First Reading approved**

2515 **Clerk:** The Bill for an Act to amend the Licensing and Fees Act: the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

2520 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Licensing and Fees Act be read a first time.

**Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Licensing and Fees Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2525

**Clerk:** The Licensing and Fees (Amendment) Act 2013.

2530

**Licensing and Fees (Amendment) Bill 2013  
Second Reading approved**

**Hon. N F Costa:** Mr Speaker, I have the honour to move that the Bill be now read a second time.

2535 Mr Speaker, this Bill amends the Licensing and Fees Act by changing outdated references to 'Financial and Development Secretary' and references to 'Governor' throughout the Act. In the circumstances, references to 'Financial and Development Secretary' throughout the Act have been changed to Financial Secretary: similarly, references to 'Governor' throughout the Act have been changed to Government.

2540 These changes are in line with the Gibraltar (General Amendments) (No. 1) Act 2007 and therefore reflect the language currently used in Gibraltar legislation.

I commend the Bill to the House.

**Mr Speaker:** Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2545 I now put the Question, which is that a Bill for an Act to amend the Licensing and Fees Act be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Licensing and Fees (Amendment) Act 2013.

2550

**Licensing and Fees (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

2555 **Hon. N F Costa:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2560

**COMMITTEE STAGE**

2565 **Development Aid (Amendment) Bill 2012**  
**Tobacco (Amendment) Bill 2013**  
**Port Act (Amendment) Bill 2012**  
**Licensing and Fees (Amendment) Bill 2013**

2570 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: The Development Aid (Amendment) Bill 2012; The Tobacco (Amendment) Bill 2013; The Port Act (Amendment) Bill 2012; and the Licensing and Fees (Amendment) Bill 2013.

2575

*In Committee of the whole Parliament*

2580 **Development Aid (Amendment) Bill 2012**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Development Aid Act.  
Clause 1

2585

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2.

2590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there is a letter that has been circulated to Members which reflects the amendment I propose to Clause 2, that it should read as follows:

*'Minister means the Chief Minister or such other Minister as the Chief Minister may from time to time designate by notice in the Gazette'.*

2595

**Mr Chairman:** Does any hon. Member wish to speak on this amendment?  
I now move that the amendment be approved.  
Those in favour? (**Members:** Aye.) Those against? Carried.

2600

**Clerk:** The Long Title.

**Mr Chairman:** The Long Title.  
Those in favour? (**Members:** Aye.) Those against?

2605

**Tobacco (Amendment) Bill 2013**  
**Clauses considered and approved**

2610 **Clerk:** A Bill for an Act to amend the Tobacco Act 1997.  
Clause 1.

**Mr Chairman:** Stands part of the Bill.

2615 **Clerk:** Clause 2.

**Mr Chairman:** Stands part of the Bill.

2620 **Clerk:** The Long Title.

**Mr Chairman:** Stands part of the Bill.

2625 **Port Act (Amendment) Bill 20102**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to Amend the Port Act.  
Clause 1.

2630 **Mr Chairman:** Stands part of the Bill.  
There is an amendment to Clause 1 involving change of the title.

2635 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):**  
Yes, Mr Speaker, to change The Port Act (Amendment) Act to The Port Act.

**Mr Chairman:** Does any hon. Member wish to speak on the amendment, which changes the title from 'Port Act (Amendment) Act' to Port Act?  
Carried.

2640 **Hon. N F Costa:** Mr Chairman, the change that I propose relates to Clause 2, not to Clause 1.

**Clerk:** In Clause 1 the law is cited as 'The Port Act (Amendment) Act'. Is that correct?

2645 **Hon. N F Costa:** That is correct.

**Clerk:** Right, so the change appears in Clause 2, when it should read 'The Port Act'.

2650 **Hon. N F Costa:** That's right. Yes, Mr Chairman, to clarify, there is no amendment moved in respect of Clause 1. Because Mr Clerk pointed to me, I assumed we had moved to Clause 2.

**Clerk:** Clause 2.

2655 **Hon. N F Costa:** Yes, Mr Chairman, as previously stated, 'The Port Act (Amendment) Act' is amended to 'The Port Act.'

**Mr Chairman:** Does any Member wish to speak on this amendment, which is consequential to the amendment to Clause 1?

2660 So Clause 2, as amended, stands part of the Bill.

**Clerk:** The Long Title.

**Mr Chairman:** Stands part of the Bill.

2665 **Licensing and Fees (Amendment) Bill 2013**  
**Clauses considered and approved**

2670 **Clerk:** A Bill for an Act to amend The Licensing and Fees Act.  
Clause 1.

**Mr Chairman:** Stands part of the Bill.

2675 **Clerk:** Clause 2.

**Mr Chairman:** Stands part of the Bill.

2680 **Clerk:** The Long Title.

**Mr Chairman:** Stands part of the Bill.

2685 **BILLS FOR THIRD READING**

**Development Aid (Amendment) Bill 2012**

**Tobacco (Amendment) Bill 2013**

**Port Act (Amendment) Bill 2012**

2690 **Licensing and Fees (Amendment) Bill 2013**

**Third Reading approved: Bills passed**

**Clerk:** The Hon. the Chief Minister.

2695 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Development Aid Act (Amendment) Bill 2012; the Tobacco (Amendment) Bill 2013; the Port Act (Amendment) Bill 2012; and the Licensing and Fees (Amendment) Bill 2013, have been considered in Committee and agreed to, with amendments, and I now move that they be read a third time and passed.

2700 **Mr Speaker:** I now put the Question, which is that the Development Aid (Amendment) Bill; the Tobacco (Amendment) Bill 2013; the Port Act (Amendment) Bill 2012; and the Licensing and Fees (Amendment) Bill 2013, be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? (*Interjection*)

I am advised that, for *Hansard* purposes, we should take them individually. Very well.

2705 I now put the Question, which is that The Development Aid (Amendment) Bill 2012 be read a third time and passed.

Those in favour? (**Members:** Aye.) Those against? Carried.

No, we still have not got it right. Fortunately we are in Committee...

2710 Those in favour of The Development Aid (Amendment) Bill 2012? (**Members:** Aye.) Those against? Carried.

Those in favour of the Tobacco (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Port Act (Amendment) Bill 2012? (**Members:** Aye.) Those against? Carried.

Those in favour of the Licensing and Fees (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

2715

#### ADJOURNMENT

2720 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that this House do now adjourn to Tuesday 4th June 2013 at 9.15 a.m. At that time the House will have an opportunity of considering in detail the proposals of the Commission on Democratic and Political Reform.

2725

**Mr Speaker:** I now propose the Question, which is that this House do now adjourn to Tuesday, 4th June at 9.15 a.m.

I now put the Question, which is that this House do now adjourn to Tuesday, 4th June at 9.15 a.m.

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

2730

This House will now adjourn to Tuesday, 4th June at 9.15 a.m.

*The House adjourned at 6.10 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 12.55 p.m.

Gibraltar, Tuesday, 4th June 2013

## The Gibraltar Parliament

*The Parliament met at 9.15 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

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

## Order of the Day

**Clerk:** Sitting of Parliament, Tuesday, 4th June 2013.  
Suspension of Standing Orders, the Hon. the Chief Minister.

### SUSPENSION OF STANDING ORDERS

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement and to lay the Fishing Report on the table.

10 **Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

### Independent Expert Report on the management of Marine Living Resources Statement by the Minister for Health and the Environment

15 **Clerk:** The Hon. the Minister for Health and the Environment.

20 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, HM Government of Gibraltar is today publishing the Independent Expert Report on the Management of Marine Living Resources in the waters around Gibraltar which has been produced by the working group set up last year to consider and report on these matters. The Report analyses the international context of marine protection, assesses in-depth the range of fisheries data and other information available and identifies the gaps that exist.

25 The Report reflects the views of the authors, who are experts in this field, and has not in any way been influenced by Government. Its main conclusions are that the basis for Gibraltar's environmental protection laws are sound; information currently available is insufficient to provide clear results on the state of fish stocks. HM Government of Gibraltar should, therefore, continue to act in keeping with established precautionary principles of conservation and pursue active management of the marine environment and future changes to environmental management must be dependent on these issues.

30 Since receipt of the Report, Mr Speaker, HM Government of Gibraltar has been considering its recommendations and preparing a Marine Strategy for Gibraltar. The full effect of this Strategy will be seen in months to come and will include: (1) regulations to control marine recreational activities that will allow these, while providing safeguards for the local environment and support for Gibraltar sea users. These regulations will, in particular, affect diving activities and rod fishing and will be published very shortly; (2) increased resources for environmental protection and enforcement; (3) measures to increase the populations of all marine species; (4) increased monitoring and collection of data to allow for the ability to respond quickly to changes; (5) a review of current management based on the success, and predicted success, of the above initiatives.

35 The planned Strategy will make allowance for changes to laws to allow sustainable fishing practices with sustainable fishing methods where all the relevant local stakeholders consider it would be appropriate. Details of each specific action and revised legislation, all of which are currently being worked on, will be published in the coming weeks and months, with the whole process being completed in the autumn.

40 The forthcoming legislation, which has been discussed with all the relevant major local stakeholders, including the Nature Conservancy Council, Nature Conservation NGOs, angling, spear fishing and diving groups and commercial operators, will be published and will introduce the essential principle of active management of our marine resources.

45 This will include the ability to respond quickly to changes in the status of said resources as detected by an improved monitoring system, whilst nurturing and enabling the sustainable use of the habitats naturally surrounding us.

50 The Report will be available very shortly, Mr Speaker, on the Government website – within the next half hour – and printed copies can be obtained from the Department of the Environment at Duke of Kent House.

**Mr Speaker:** The Hon. the Leader of the Opposition.

55 **Hon. D A Feetham:** Mr Speaker, certainly on this side of the House we welcome the publication of the Report. We think that it does not come a day too soon; indeed, we believe that it probably comes months too late. Despite that being the case, we welcome the publication of the Report and we will consider it very carefully. The Government knows, because we have made statements on numerous occasions from this side of the House, that whatever solution is proposed that is reasonable in order to deal not only with the question of management of the environment and management of fisheries, but also a solution to the current fishing crisis, we will certainly support.

60 I note that the Hon. the Minister has said in his point, I think it is 6, that the Government intends to allow sustainable fishing methods. We will obviously examine that very carefully, as to whether the Government means by that allowing Spanish fishermen to fish with nets of some kind during some part of the year but, as I say, certainly on this side of the House the Government will find that, despite our criticisms of the handling of the crisis and the handling of this particular issue by the Government, that it will find the Opposition supportive in any solution that it brings to this House by way of legislation.

70 **Hon. P R Caruana:** Mr Speaker, just on a Point of Order, did the Hon. the Chief Minister say that it was being 'tabled' in the House?

**Chief Minister (Hon. F R Picardo):** Yes.

75 **Hon. P R Caruana:** So the suggestion that we should have recourse to the Government website for copies was not intended for us, it is rather for the public who may be hearing? (*Interjections*). I see, thank you. I am obliged.



DOCUMENTS LAID

80 **Clerk:** Papers to be laid.  
The Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Dr. J E Cortes):** Mr Speaker, I have the honour to lay,  
85 on the table, the Fishing Report.

**Mr Speaker:** Ordered to lie.

**Hon. Dr. J E Cortes:** Copies will be distributed now.

90 **Hon. P R Caruana:** Oh, I see! Thank you very much.

GOVERNMENT MOTION

**Parliamentary and democratic reform  
Report of the Independent Commission**

100 **Clerk:** Government Motion, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker: crisis, what crisis?  
Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

105 *'THIS HOUSE WELCOMES the work done by the Independent Commission on Democratic and  
Parliamentary reform; FURTHER WELCOMES that the Commission was able to report to the  
House ahead of schedule; NOTES AND WELCOMES that the Commission has made clear  
recommendations in proposing areas of reform for the workings of this Parliament and for  
democratic reform; and WILL NOW CONSIDER in this meeting those recommendations in detail.'*

110 Mr Speaker, we on the Government benches have met and considered your Report in some detail and  
we have agreed the position of the parties represented on this side of the House. I will, therefore, speak  
on behalf of the Government on the recommendations which arise from your Report and I want to do so by  
starting the debate on this motion with a thank you to you and all the Members of your Commission on  
Democratic and Parliamentary Reform for the very timely submission of your Report, because you have  
115 done the work of the Commission in much shorter order than we had anticipated was possible.

Indeed, during the course of the debate on this subject before the last General Election, when both  
sides of the House put their respective positions on the subject of parliamentary reform, it was suggested  
that our idea of creating a Commission on Democratic and Parliamentary Reform was an attempt to kick  
this very important subject into the long grass. I think we have demonstrated that this is not the case in a  
number of ways, not least, Mr Speaker, the speed with which your Commission has been able to report.

120 But the first, Mr Speaker, has been by implementing a number of deep and, dare I say it, revolutionary  
reforms in the workings of our Parliament *immediately* after our election. Not least of these has been my  
own convening of regular monthly meetings of this Parliament. That, we think, has delivered a dramatic  
change that has been qualitative and not just quantitative in bringing us to this Parliament every month.

125 Indeed, Mr Speaker, you will know that there have been, in previous Parliaments, two or three  
Question Times, for example, in any one year. Since our election, there has been a monthly Chief  
Minister's Question Time that I think has now become a part of the natural democratic rhythm of this  
democracy.

130 Mr Speaker, I think that this is more than just about numbers of meetings. This is about the quality of  
our democracy and I think it is right to say that we can be justly proud on this side of the House and I can  
be justly proud as Chief Minister to have ushered in this new era in our democratic development as a  
people.

135 And it is not just me, Mr Speaker, that has to come here to answer questions on a monthly basis: all  
Ministers do. The whole Government holds itself up to scrutiny on a monthly basis and that is the sort of  
democracy that many countries actually do not enjoy and I am delighted that I will always be able to  
boast and that we, on this side of the House, will always be able to boast that, as soon as we had the  
power to deliver this change, we implemented it without hesitation.

The issue now, Mr Speaker, for us is how we entrench this change in legislation or in rules so that,  
whilst we respect the primacy of Parliament and the right of any new Administration to use its majority in

140 this House to convene meetings as it may see fit, we go as far as possible to entrenching this monthly procedure so that it cannot be undone by a new Administration without explaining to the House what it is that they intend to do in place thereof. I think, Mr Speaker, that is one of the issues that we have to consider today.

145 There are many other things which we have read in your Commission's Report and in your recommendations which we have also already done or we are doing –

**Mr Speaker:** May I interrupt the Chief Minister for a moment?

150 I would be very grateful if the Chief Minister and all Members, when referring to the Report, were to refer to it as being the Commission's Report. It is not *my* Report, it is not my personal Report, there were four other people and it is not the Speaker's Report, it is the Report of the Commission which, for historical reasons, I happened to Chair and I think it would be much more accurate to refer to it as the Commission's Report.

Thank you.

155 **Hon. Chief Minister:** Thank you, Mr Speaker, I shall do so, mindful of the fact that, although you Chaired it, as you rightly say, it is not your Report, it is the Commission's Report. If I stray into referring to it once again as your Report, please do not hesitate to pick me up on it.

160 Well, there are other things that we have read in the Commission's Report, Mr Speaker, which we have already dealt with, or are dealing with, and we would like that to be seen as a vindication of the findings of the Commission and illustrative of our commitment to positive reform of the workings of our Parliament and of our democracy more widely. So as I go through the recommendations I think it will be evident that, in many instances, we have already implemented some of them or we are in the process of implementing them.

165 Mr Speaker, we approach the numbered recommendations of the Commission in the spirit of wanting to go even further in the modernisation of the workings of Parliament and mindful of the need for this place to operate as effectively and openly as possible and trying to combine those two criteria.

170 What I propose to do, Mr Speaker, is to take the Parliament through the recommendations one by one, indicating our support, our concern or our disagreement with each of them in turn and the reasons for that concern, support or disagreement because I cannot say that we accept *all* of the recommendations although, in most instances where we have felt the need to disagree with recommendations, I think you will find that we do so on technical grounds.

175 Mr Speaker, then having heard the contributions of all Parliamentary colleagues who might wish to speak on the subject, I will propose that the motion then be amended to include reference to those recommendations that it is proposed should be accepted by Parliament today after the debate. But I discussed in passing, Mr Speaker, how best to proceed with the hon. the backbencher, for we do have one already, Mr Speaker – Mr Caruana – during the last sitting of the House, and I agreed with his suggestion – he may want to say something about it later on – that we should not turn this particular debate into one about final acceptance and implementation of the recommendations made but, rather, that we should have a debate today on principles, with matters as to implementation and the detail of that left for that much more detailed consideration required, probably by a Select Committee.

180 I will, therefore, also be proposing, Mr Speaker, that the amendments to be moved to the motion as it stands today, after hon. Members who wish to do so have made their contributions, should refer to those recommendations that the whole House believes can be accepted and to the creation of a new and bespoke –

185 **Mr Speaker:** We may have a procedural problem and that is, in making the amendment, at what stage is the amendment going to be made? Is it at the stage when the Hon. the Chief Minister exercises his right to reply?

190 I am not sure that that is procedurally correct.

195 **Hon. Chief Minister:** There is a right to move an amendment at any time. We can either agree that I should be proposing an amendment when the last speaker on the other side is about to end and gives way... and, of course, once I propose an amendment, others will also have the right to speak again on the amendment. Or, I can propose the amendment during the course of my reply.

**Mr Speaker:** If the Hon. Chief Minister proposes the amendment during the course of his right to reply then, of course, that amendment is again open to... it is before the House and is open to everybody, is that clear?

200 **Hon. Chief Minister:** Yes.

**Mr Speaker:** We will do that then, yes.

205 **Hon. Chief Minister:** Mr Speaker, the way I intend to deal with it will be that I will deal with the matters that are raised by Members opposite in my reply initially and then I would move to say, right, having said all that, this is what I think can be distilled into an amendment and this is what I think the Select Committee procedure should look like.

210 Mr Speaker, I do not think that the recommendations of the Commission are an issue for any of the existing Standing Committees – although you could probably shoe-horn some of them into some of the existing committees – as I think some of the recommendations go well beyond the rules and the standing orders. In fact, in some instances, the recommendations may require legislative changes or even new Parliamentary Acts which will have to be brought to this House as Bills.

215 I will, therefore, be proposing that the new Select Committee should be known as the Select Committee on the Implementation of the Accepted Recommendations of the Independent Commission on Democratic and Parliamentary Reform, a mouthful though that is, and I also propose that, in shorthand, the Committee should be known as the Select Committee on Parliamentary Reform.

220 Again, Mr Speaker, we believe that this is a necessary step in order to advance matters quickly but also with full cognisance of the implications of any amendment and having the opportunity to look at the detail of how to implement each of the recommendations off-line, so to speak, in the context of a Select Committee environment. I will also be proposing, Mr Speaker, that the Select Committee, when established, should be made up of three Members of the Government and two from the Opposition, as is the traditional format and, having said all of that as to how I intend to deal with the debate today, let me turn without further ado to the numbered recommendations of your Report, taking each one in turn, although I do intend to take the first two together as the Commission presents them.

225 Recommendation No. 1 reads as follows:

‘We recommend that Standing Orders should be amended to require Parliament to hold a minimum of ten meetings a year, other than in the year when a General Election is held.’

230 Recommendation No. 2, Mr Speaker, reads as follows:

‘We recommend that Parliament should continue to have its Christmas and Easter recesses but the summer recess should last from the end of July to the 3rd week in September.’

235 Well, Mr Speaker, we have already introduced this monthly meeting procedure, as I was saying, and we therefore unhesitatingly agree that the first two recommendations which have given effect to our policies, in effect, in respect of the regularity of meetings, should be accepted by the Parliament.

240 The issues that are left in respect of those recommendations I think are ones for the Select Committee that looks at the detail of this rather than for the House today, which is, first of all, how do we entrench this requirement for monthly meetings, conscious of the fact, of course, that the Constitution provides for a different requirement of regularity so there will be a legislative or a rule-based regularity and there will be a Constitutional requirement of regularity and that those may be different.

245 The recommendation of the Commission refers to Standing Orders but it may be, Mr Speaker, that the Select Committee decides that, actually, it is an amendment to the Parliament Act that is required and, if not required, desirable, and that that may actually lend itself to the rhythm of meetings being more regular without the Chief Minister having to actually convene them in every month but that we have a clear criteria set out either in legislation or in rules, subject to the Leader of the House being able to certify some exceptional circumstances when a specific meeting should not be held, or going beyond particular dates that you have been proposing.

250 For example, Mr Speaker, the refurbishment of the Parliament required that we did not have a March meeting even though we were already in the rhythm of voluntarily calling meetings on a monthly basis and we may very well want, or need, to sit in August. I am reminded of the events of last year and also of the events of the tercentenary, where we wanted to meet on a specific date in August to commemorate the 300 years on the date when it was particularly relevant.

255 There may be, for example, weeks where August starts on a Thursday or a Friday and there may be no reason why the Parliament should not be able to use that final week of July as a full Parliamentary week. Just because 1st August might be on a Friday we should not put ourselves in strictures, that we are not able to use those dates for Parliamentary business, where relevant.

260 Even then, Mr Speaker, when we do that we will still be turning the current position on its head. At the moment we need to understand the current position is that, simply, the Constitution bites and requires us to have three meetings in the year. Therefore, we are voluntarily calling these meetings so, by putting in rules, even if we allow for this potential leeway, we are turning the current position on its head and entrenching the principle of the monthly meeting.

265 Mr Speaker, I think it is also important there should be a clearly understood power for meetings of the Parliament to be called at short notice. The Commission deals with the issue of notice period specifically in its recommendations but the reason for mentioning this now, Mr Speaker, is that, under our current setup, any convocation of a meeting of the House is a meeting for Questions, Motions, Bills and all the other business of the House. I think that the Leader of the House, whoever he should be, should be in a position to convene a meeting of the House on twenty-four hours' notice.

270 I note, Mr Speaker, that there is something in Standing Orders about 'emergency meetings' of the House but there is not much in it at the moment. I think it may be useful for the Select Committee to look at this and flesh out those rules a little bit more so that they are understood by all Members and that that power might be used in a more current and modern context so that, instead of just having 'emergency meetings', perhaps we should have something called 'extraordinary meetings', which are not uncommon in all democracies, where Parliaments can be convened or even recalled at times of national emergency / tragedy. All of those probably come within, or the first of those probably comes within, the definition of 'emergency'. Tragedy probably does not come within anybody's definition of emergency. I am conscious of the fact that we lost a Member of the House and we might all have wanted to come here to recognise that together at that moment or, in the context of great celebration, where the House and Parliament, if it is to play its natural role in the administration of the affairs of the people, may want to have an extraordinary meeting to simply mention a particularly successful event like, for example, the Gibraltar football team winning the European Cup of Nations, as I am sure they will do before this decade is out, if the desire of all Gibraltarians is anything to go by...

285 Anyway, having that power to come on twenty-four hours' notice, without engaging the full gamut of Bill, Question etc. procedure, I think is something that needs to be fleshed out a little bit beyond simply the emergency power which seems to be the one contained in Standing Orders as it is at the moment.

Mr Speaker, Recommendation No. 3, which I move on to now, deals with Question Time and you say this, or the Commission, sorry, says this:

290 'We recommend that Question Time should be guillotined and that the Chief Minister should answer Questions, including supplementary questions, for not more than 3 hours a month and each Minister for not more than 2 hours a month.'

295 Well, Mr Speaker, call me a glutton for punishment, but we do not agree that there should be a specific time limit, or a time guillotine, on Questions being asked by Opposition Members, even though that is actually the case in most parliaments.

Indeed, although you do not point it out in the Report, the UK Parliament involves the procedure for Prime Minister's Question Time allowing Members half an hour for Questions to the Prime Minister in parliamentary sessions weekly whilst the Parliament is in session. We believe, Mr Speaker, in essence, that the time spent on supplementaries should be entirely a matter in Mr Speaker's discretion and based on relevance to the subject matter of the original Question.

300 It has been clear to us for many years that the rules on Parliamentary Questions and on supplementaries have been honoured by their breach and not by their observance – and I am not casting aspersions on Members who are sitting opposite today, and it is for that reason that I have said 'many years' – and you have been highly critical, Mr Speaker, if I may say so, of both sides of the House in your interventions in recent months since your appointment because of our approach to Question Time and you have said repeatedly, you remain vigilant and that we should be more circumspect in the way that both sides of the House approach the Question and Answer equation.

305 I think that we have demonstrated our respect for your views on these matters but, with a clear approach that is based on the existing rules of relevance of supplementaries, short, sharp questions, and answers being equally short and sharp, whilst remaining informative, I am confident that, with those rules observed, there would be no need for a time guillotine. Essentially, our view, Mr Speaker, is that the guillotine should be led by subject and by relevance and not by time, with the caveat that each Question should not last very long but without a time limit. We have seen, and you have mentioned, that some Questions have gone on for half an hour and should certainly not be allowed to turn into these mini-debates that they have become, certainly since I have been in this Parliament from 2003.

310 We are all aware, Mr Speaker, that in the United Kingdom each Question would not last more than a few minutes because, after that, the supplementaries stray from the relevance of the original Question, which is from where relevance should be measured. I mean, relevance should not be measured from each supplementary as you move away from the original subject of the Question: as you know better than us, Mr Speaker, relevance should be measured from the *original* Question and not from the supplementaries. In that context, Mr Speaker, we think that relevance should be the blade on the guillotine and not the clock.

Recommendation No. 4 Mr Speaker of the Commission says this:

325 'We recommend that if a tabled Question for Oral Answer is not reached during the time allowed in Recommendation No. 3,

the Minister to whom it is addressed should provide the answer in writing unless the questioner withdraws the Question or tables it for answer at a subsequent meeting.'

330 For the reasons I have indicated already, Mr Speaker, when dealing with the Commission's third recommendation, we do not think that this recommendation is relevant but, of course, it is something that could be made use of at any time if Members opposite felt, for example, that the information that they have obtained in relation to one particular Question is such that they would rather not continue with a particular Question and say that they would be happy for it to be answered in writing.

335 I cannot see the circumstances where Members opposite would wish to have that mechanism engaged. If there is an oral answer ready in the Parliament they may as well have it, even if it is passed as a written answer at the end of the meeting but we do not think that, absent the time guillotine, there would be no need for this procedure to then be engaged where you have reached the end of the time limit and, therefore, a written answer is provided instead of an oral answer. But I think it is already in the power of Members opposite to say, 'Look, if the Minister is prepared to write to me with the answer to that  
340 Question, we do not need to deal with it.'

Mr Speaker, I think it is useful to deal with Recommendations 5 and 6 together. Recommendation No. 5 reads as follows:

345 'We recommend that the period of notice that a Member of Parliament is required to give for tabling a Question at a meeting should be increased from not less than 5 working days to not less than 7 working days before the day on which the answer is required.'

Recommendation No. 6 has to be read hand in hand because it says this:

350 'If Recommendation No. 5 is implemented then we recommend that the period of notice summoning Members of Parliament to meetings should be increased from not less than 7 working days to not less than 9 working days before the date of the meeting.'

355 We think these recommendations are sensible and should be accepted for a number of reasons. First of all, the earlier tabling of questions will assist those in the Administration who are responsible for the preparation of answers. They do, as hon. Members who have been in Government opposite know, have to do a lot of work in a very short period of time at the moment. In any event, Mr Speaker, it is already possible to extend the time available to prepare an answer by simply adjourning the session in which a particular answer is due to be replied to.

360 If I can just explain that, although Members opposite will understand it but perhaps for people who may be listening in, if Members have to give us those 5 clear days' notice, we need to come to the Parliament on the date which we have provided for. We could adjourn the Parliament at any time, even before starting Questions once we have started, or take just those Questions which have their answers already prepared for, and then adjourn Question Time for at least another five days so that the Question  
365 Time or the limit for putting Questions again is not engaged and buy ourselves another five or ten or fifteen days, in that order.

That has not been done before but, in the context of wanting to make the lives of those who are doing, if I may call it, not the political work but the grinding work, that goes behind the preparation of answers to Questions easier, we think that giving them the extra two days makes sense. Then, of course, you do  
370 need to give an extra two days of notice because, as the rules presently stand, if we are required to give 7 days' notice then, at the moment, the Questions would have to be put in almost immediately, if we just took Recommendation 5 and not Recommendation 6. So we think that they go hand in hand together and, therefore, we think it is something that should certainly be considered favourably.

375 Again, Mr Speaker, this 9-day period of notice I think makes sense for the reasons we have indicated but also with the caveat that the Leader of the House might be able to call the House, in those circumstances that I have indicated, those extraordinary meetings, on twenty-four hours' notice. But if I may just pause there and take a wider view of these recommendations and your earlier recommendations in relation to the monthly meetings, I think it is not impossible for the Select Committee to come back with a mechanism that almost makes the giving of notice irrelevant and where Members know when they have to table their questions in the context of the monthly order.

380 So, for example, we now know, and it is entrenched, that the Chief Minister will deal with Questions on the third Thursday of every month at 3.00 pm. That more or less sets out how the Parliamentary schedule is going to play out in the context of the month. Taking perhaps the day before as the day when Parliament will be convened for the month, it may be possible, when the Select Committee meets, that  
385 everybody should know that Questions need to be in by the second Tuesday of the month, for example. Therefore, Members can, on both sides of the House, understand the order of the month and when they need to be making their arrangements to table their Questions, etc, taking into consideration this idea of giving an extra two days and the issue of convening Parliament in nine days because it may be that the Select Committee can come back with a mechanism that does not require the Leader of the House to

390 *convene* the Parliament but that the Parliament *is convened* between September and April, for example, on particular months and between April and July on particular days of the month. That, I think, Mr Speaker would obviate all of these requirements as to notice.

If I can move on now, Mr Speaker, to Recommendation No. 7 and Recommendation No. 8, both of which should also be taken together and which read as follows:

395 'We recommend that motions for adjournment should, after giving due notice to the Speaker, also be permitted to be moved at the last sitting in any month if Parliament is not to be adjourned *sine die* at the end of that sitting.'

and Number 8:

400 'We recommend that both the Government and Opposition should bear in mind the significance of introducing motions in Parliament and thereby obtaining its approval to a specific course of action as proposed in a motion.'

405 Mr Speaker, we of course applaud, and I am sure Members on the other side of the House also applaud, your continued referral of Members to the motion procedure for the purposes of debating matters in this Parliament and the fact that the Commission has also alerted us all to it. It is absolutely right that, for this place to work as it should, and not as it *has* perhaps in the past years, we should be keeping Question Time as a time for Questions and answers and motion time as the time for debate.

410 For that reason, where it is necessary for there to be an element of perhaps more agility in dealing with motions on the adjournment, we would welcome clarity in the rules so that Members on both sides of the House can be clearer about the procedure and how to activate it as effectively as possible and, in that way, perhaps take away some of the problems that have plagued our Question Time sessions. We think that the issue of adjournment motions is already quite clear but if this is a matter that the Select Committee can make even clearer by proposing new rules or Standing Orders or, perhaps even just guidance notes to some of the existing Standing Orders, then that is something I am sure will be welcomed, no doubt, across the floor of the House so that we perhaps better understood this procedure that seems to have fallen into disuse in recent years.

Let me move now, Mr Speaker, to Recommendation No. 9, which says this:

420 'We recommend that Ministers should bear in mind the significance of making statements on matters of policy or public importance in Parliament, in preference to making them directly to the media.'

(*Phone rings*) – and the Chief Minister should remember to switch off his phone! With apologies to all Members, Mr Speaker.

425 Mr Speaker, with respect, we think this is only a recommendation that the Commission could make in the context of the way in which we have already changed the way that Parliament works, in that, under the previous mechanism for the workings of Parliament, it would have been wholly unrealistic, in fact it would be well-nigh impossible for important statements to be made in Parliament. There were only two or three sessions of the Parliament in the year, although it was adjourned to a different date during the course of each term. Even in the context of monthly meetings of the Parliament, where we do have many more options available in terms of days when we are in the Parliament, requiring the Government to – and I say 'requiring' advisedly – to make statements of importance in the House, we do not think is possible. It may be more possible if we introduce the right of the Leader of the House to convene Parliament at short notice – on twenty-four hours' notice – but the idea that we might be *required* to do that, I do not think is something that we can agree to.

435 Your recommendation does not say that. It says that we should bear in mind the significance of making statements in Parliament and I think that is something we can certainly agree with, although I do note, Mr Speaker, that when the Government decides to wait until a meeting in order to make an important announcement, or table a document that does not strictly have to be tabled, as we have today, one does have to read some who talk about us making statements of importance here, then goading us in the press to make them before the date of the adjournment – and I am reminded of the front page of yesterday's *Chronicle*. But, then again, Mr Speaker, in Government one gets used to the idea 'damned if you do, damned if you do not'. This is a welcome recommendation but it can only ever be just that, Mr Speaker.

445 I think I demonstrated that we *do* bear in mind the importance of making statements in the Parliament when I came here two weeks ago directly from the Convent when I asked His Excellency to convene the coming by-election and I made the announcement of that publicly here. But the workings of Government cannot be mortgaged to the need to make statements here and not to the press and then to the public in the traditional way. Then again, what is 'a statement of significance'? One man's significance might be another man's insignificance. So I see this recommendation that the Commission has made, Mr Speaker, as one to bear in mind that it is a guidance that the Commission is providing, that Government should, in the words of the Commission, 'bear this matter in mind', but I do not think it is a recommendation that

can manifest itself in a new rule.

Recommendation No. 10, Mr Speaker, the next one, is also one which we do not think can become a new rule. That recommendation says this:

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‘We recommend that the more lengthy or complex Bills, or those which are likely to substantially impact on citizens, should undergo in-depth legislative scrutiny by referring them to a Select Committee appointed for the purpose, i.e. a Public Bills Committee.’

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Well, as you know, Mr Speaker – and, in fact, you were one of those who negotiated it – the current Constitution has introduced a 6-week period of publication for Bills, which is much longer than was the case before and, in addition, since we were elected, we have also introduced the new concept, not constitutionally required, which is the principle of the Command Paper, which we have modelled on the Westminster mechanism of the same name, and which we deploy when we are dealing with new legislative Acts or changes to legislation which present a completely new area of legislation.

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Interestingly, Mr Speaker, both in Gibraltar and in the United Kingdom Command Papers are published literally, on the face of them, ‘by command of Her Majesty the Queen’. But the whole purpose of the Command Paper and of the longer period of publication of Bills, is to allow a longer period of public consultation and also, of course, of interaction with Members on the other side, who can make not just public statements on Bills, they can write to Ministers or they can engage with Ministers on the substance of Bills.

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If I may say so, Mr Speaker, although this Parliament does have a reputation for belligerent debate, I think it is fair also to say that, when it comes to legislation and Bills, people perhaps switch off but there is also a tradition of working closely on Bills and producing the best legislation that we can *together*, looking at detail. The person who has produced the Bill sometimes is not able to see some of the technical issues that somebody casting a more critical eye over Bills on the Opposition Benches might see, even some of the wording or the typographical errors etc. My experience has been that, unless there are serious policy differences on a particular piece of legislation among Members from different sides of the House, actually the Bills procedure is one that works very well.

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The Commission’s recommendations in respect of this issue deal principally with ‘lengthy Bills’. We have had two or three lengthy Bills in the past four years which I can remember – the end of the hon. Members opposite tenure in Government and our first two years – principally the Criminal Offences Bills and legislation; there may be soon also some Companies legislation etc. In each of those instances, I think where we have looked at lengthy Bills, we have done so in the spirit of legislative co-operation, which is when most people switch off their listening to the Parliament because that belligerence which people so dislike, when it disappears, makes people perhaps not so interested in the process of this place. But I think that that process, therefore, of working closely together on Bills is there. There is, I understand, already *some* power to refer Bills to a Committee, not just to the committee stage and perhaps it is something that we need to revive, rather than produce a new rule on because we think that the process is actually working quite well.

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Mr Speaker, the eleventh Recommendation reads as follows:

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‘We recommend that the Gibraltar Constitution Order 2006 should be amended to provide for the post of Deputy Speaker and that until there is constitutional provision for such an appointment, the Parliament should designate a suitably qualified person to discharge all or some of the powers and functions imposed on the Speaker when he or she is unable to attend meetings of Parliament. Such a person should be selected by Parliament in the same manner as the Speaker.’

500

Well, Mr Speaker, we actually wholeheartedly agree with the sentiments in respect of the post of Deputy Speaker, but our initial conclusion is that it would appear to be very difficult to create this post, other than by a Constitutional amendment, as you have indicated in the recommendation. This is one of the most practical recommendations, in our view, that the Commission makes because it is actually about Parliament being able to work and we need a Speaker to be able to work. We therefore support this recommendation and we consider it should be referred to the Select Committee, in order to enable the Committee to better consider how the issue is raised and the potential appointment of a Deputy Speaker might be addressed in the most effective manner, if possible without a Constitutional amendment.

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Frankly, I think that this was an issue that has been overlooked at the time that we were negotiating the new Constitution. It was not something that was there before; we did not have monthly meetings of the Parliament at the time that the Constitution was being negotiated, so therefore I think it is something that, in the context of the new rhythm of Parliamentary meetings, does have to be considered. Of course, Mr Speaker, there is provision, in the absence of the Speaker, for a Member to be elevated to the Chair. In a particularly acrimonious debate, who could that Member be? Two spring to mind immediately: the Father of the House, who has been here for longer than all of the rest of us, absent yourself, or the other longest serving Member, the Hon. the previous Chief Minister, the backbencher, Mr Caruana.

510

I do not discard, Mr Speaker, that the Parliament would, in appropriate circumstances, appoint each or

515 either of them to the role. I think it would be hard for each of them, for example, to preside over a budget  
debate, in the event that it were necessary for you to absent yourself from such a debate *in extremis*, but  
not impossible. I think both have had the longevity in this Parliament to understand what the rules of this  
Parliament are and to adjudicate fairly, in the context of Parliamentary obligations, when one takes that  
Chair.

520 Would it be, in the context of an acrimonious debate like the debate on the Appropriation Bill  
sometimes becomes, something that could be done in a way that all parties would feel that they had been  
'fairly' dealt with if that person had to make a ruling against their own side – 'Is he doing it just to  
demonstrate that he is being fair?' – or against the opposite side – 'Of course, he would do that, wouldn't  
525 he?' I think, therefore, that there are some circumstances, *in extremis*, where we might find ourselves in  
difficulty, without wishing to impugn the integrity of those who might take the Chair, and I have  
mentioned two, who if they took the Chair, in my view, would be able to discharge their obligations from  
that Chair with integrity. But, it would perhaps raise, in the public, concerns if there did come a time, an  
acrimonious moment, and they did have to make rulings one way or the other. Therefore, the mechanism  
of a Deputy Speaker in a Parliament that meets monthly, I think is one that does need to be considered by  
530 the Select Committee.

Mr Speaker, Recommendations No. 12 and 13 I think should also be taken together. They read as  
follows – No. 12 says this:

535 'We recommend that there should be a review of the present structure of allowances and pensions payable to Members of  
Parliament and that such a review should be conducted by a body made up of suitably qualified persons from Gibraltar and  
persons from an appropriate independent authority from the United Kingdom.'

No. 13 says this:

540 'We recommend that any new pension scheme should come into effect for new Members of Parliament elected after the next  
General Election, thereby safeguarding the acquired rights of current Members.'

Well, Mr Speaker, we think that, taken together, we agree with both those recommendations, given  
that having... this Parliament, in effect, having made changes, for example, to the Civil Service final  
545 salary pension scheme, it would be rather unfair not to also look at what new scheme might be introduced  
for Members who might be elected after the next General Election. This is certainly something, in our  
view, that should be referred to the Select Committee for it to determine who should best advise us on the  
matter. Our own initial view is that new Members of the Parliament after the next General Election  
should be on the same scheme – I think it is the Provident scheme – as new entrants to the Civil Service,  
550 for example. That seems fair and equitable to us but we agree that this should be considered objectively  
with independent persons, as was previously the case when the allowances were reviewed in the 1970s.

I am advised, actually, Mr Speaker that the present scheme for current Members does not allow  
existing Members who have something similar to the Civil Service final salary scheme, to have a WOPS  
555 element to their contributions and, in that sense, the existing scheme is less generous than the final salary  
scheme. But, again, I think that this is not an issue for us. I think it is an issue that should be considered  
by independent assessors appointed by the Select Committee.

I move, then, Mr Speaker to Recommendation Nos. 14 and 15. These say the following and I should  
also take them together, in fact 14, 15 and 16 I think are usefully taken together. They read as follows, 14:

560 'We recommend that the Rules and the Declaration of Members' Interests should be reviewed by a body made up of at least  
three suitably qualified persons from Gibraltar, one of whom should be the Chairperson, and persons from an appropriate  
independent authority from the United Kingdom with experience in this type of exercise. We also recommend that the Register  
of Member's Interests should be made available on the Parliament's website.

565 'We recommend that the Parliamentary Code'

– this is No. 15 –

570 'applicable to all Members of Parliament should be drafted by the same persons as are specified in Recommendation 14 and  
that the Parliament should determine its introduction by resolution.'

Then No. 16:

575 'We recommend that a review of the Ministerial Code should be conducted by a body of at least three suitably qualified persons  
from Gibraltar, that the Code should be drawn up along the lines of that applicable to Ministers in the United Kingdom and that  
it should be kept under periodical review.'

Mr Speaker, we agree wholeheartedly with these recommendations. A draft is already being  
considered by Ministers of both the Rules on Declaration of Interest, as well as a Code of Conduct for



580 both Parliamentarians generally and for Ministers specifically. I think this is absolutely an issue to be referred to the Select Committee, as well as the drafts that are already in existence of the new Rules and the Codes, for the Committee to reach conclusions and to make recommendations for the implementation of the new Code. I think we have said already and, if not, Members should know, that we have worked with the Hansard Society in the United Kingdom to look at the detail of these Codes and, in fact, one of the Members of the Commission has been involved in that.

585 I especially think, Mr Speaker, that there should be a mechanism to review such documents as are adopted and as are put in place so that they are living documents and do not just fall into disuse and become irrelevant by the passage of time, never consulted by Members, because when that happens there is, I think, a loss to the community as a whole and a loss to the Parliament. If we just create rules and then put them in a cupboard, I do not think that is an appropriate way of really bringing new strictures to the Parliament and to its Members. I think it is something that should be adopted but with a periodic review procedure so that they are continually looked at.

590 The next recommendation, Mr Speaker, is one which I think is no longer as controversial as it once was, although some Members have been against it completely before, as the Hon. Mr Caruana candidly reminded us at the penultimate meeting of the House, but I think that we are all now of the same view, and that is Recommendation No. 17, which says this:

600 'We recommend that consideration should be giving to televising the proceedings of Parliament and we further recommend that, in the event of a privatisation of the Gibraltar Broadcasting Corporation, the arrangements for the televising of Parliamentary proceedings should be guaranteed.'

I do not think there is any privatisation with the Gibraltar Broadcasting Corporation ever envisaged but I think it is important that the Committee's recommendation should certainly be adopted.

605 The House has already had an opportunity to consider this issue at the last meeting before the refurbishment and I think we have now clearly got a majority, if not unanimity, supporting video broadcasting online and on television and we just now need to look at the relevant rules in this respect. I understand, Mr Speaker, that the Deputy Chief Minister yesterday sent the Leader of the Opposition and the Hon. Mr Bossino some draft rules for consideration as to transmission, camera angles etc. They are not complicated rules and we have some guidance already from Westminster on how they have successfully done this. I know that the testing that is going on, behind your Chair, of the equipment is being quite successful, so I hope that we will be able to agree the rules shortly and that we will be ready to transmit, as I have said on a number of occasions, by the time we come to consideration of the Appropriation Bill later on this month.

610 Mr Speaker, Recommendation 18 also deals with media issues, if of a slightly different type. It says this:

615 'We recommend that the Media Director should henceforth be required to prepare and publish an annual report on the activities of his department, which should include a detailed statement listing recipients of the amount of public funds paid to the media. We further recommend that this report should be laid on the table in Parliament.'

620 Well, again, Mr Speaker, we wholeheartedly agree with the principle that a detailed statement of the amount of public funds paid to the media should be published.

625 Indeed, Mr Speaker, we believe that we have led on this issue, given it was one of the issues we were continually obligated to ask about in Parliament. You will recall that we had very clear issues relating to the presently defunct publication, *The Seven Days*, and the huge amounts expended on it by the previous Administration. For that reason, Mr Speaker, we take the view that the precise amounts paid in respect of Government advertising since the very date of our election should have been, and are, as I understand it, published online regularly and accessible to the public as a whole and not just to Members of Parliament. But we do not necessarily think that getting the Media Director to collate that information into an annual report, because it is already shown with annual totals etc. online, would add much to the equation. We think we have gone further by putting it out into the public domain with regularity. So we think that this is a recommendation that has already been complied with in substance, as the information is there and that we do not need to go further.

630 Recommendation No. 19 then moves to deal with a wholly different matter, which is the manner for convening Select Committees generally. It says this, Mr Speaker:

635 'We recommend that Parliament should make greater use of Standing Orders to nominate select committees, where appropriate.'

640 Again, Mr Speaker, I do not think that this is intended as a recommendation which requires action or a new rule, but it is one which the Commission, I think, wants the Parliament to note. Indeed, Mr Speaker, you know that, during the course of this debate, I have already proposed creating this bespoke Select

645 Committee to deal with the very reform proposals that we are considering. I do not know that we can go any further in that respect because a recommendation to note something that there is already a rule for, I think does not call for much more, other than for Members on both sides to bear in mind those issues when considering how best to regulate our procedures in respect of particular debates, Bills, or anything that may require our Parliamentary attention.

650 Recommendation No. 20, Mr Speaker, deals with the present system of dealing with petitions and whether it should be modernised. It says this:

‘We recommend that Standing Orders should be revised to improve the public petition system as a way of enhancing public participation in the Parliamentary process along the lines of the system in the United Kingdom.’

655 I think, Mr Speaker, this is one to carefully consider in Committee. Conscious of the fact that there are already rules allowing Petitions to be tabled here and debated, all that is required is that the petition be put to the Parliament. It is then tabled – and it only takes one Member to raise a motion in the terms of the petition for the matter to be debated.

660 So, again, this may be an issue not so much where we need to change our rules but where a rule has fallen into disuse and we need to refresh it. It may be that it needs to be modernised. There have been some changes in the United Kingdom. There are some online petition issues and I think it is something that the Select Committee should look at and that, perhaps, the public need to be made more aware of so that they can become more involved in the workings of this Parliament by making use of the existing or modernised petition rules. Certainly it is something that we think should be put to the Select Committee, for the Select Committee to consider side by side with the more modern rules that have now been adopted in other Parliaments.

665 Mr Speaker the report leaves behind matters dealing with what I might call the inner workings of the Parliament and moves on to issues relating, really, to the electoral system. So I am going to deal with the recommendations that you make in that respect, also on a detailed basis, taking each of them in turn.

670 The first issue that you address is the establishment of the franchise: who is entitled to vote and the collation of the Register of Electors. Recommendation No. 21 says this:

‘We recommend that a rolling register should be maintained for Gibraltar parliamentary elections on the lines of that maintained for European parliamentary elections.’

675 Mr Speaker, this is absolutely something with which we entirely agree and it is our policy on this side of the House that that should be the case. We think that the present system is not the fairest and we should have a permanently open register which closes a fixed time before an election, rather than a register that is sometimes open when an election is called.

680 Indeed, Mr Speaker, if that were already the case, this by-election which has been convened would have benefited from a slightly wider franchise. We are, therefore, convinced that this is the way to progress but with an important caveat, which is this: compiling a register of electors is not an easy task, it is complex and it requires an understanding of the issues that can arise. If I may say so, the present Clerk and Returning Officer has considerable experience and expertise in this field and I think he should be the leading resource for the Select Committee to consult when considering this issue in particular – as if he did not have enough work, Mr Speaker! Anyway, we are lucky enough that our Clerk maintains both the Register of Electors for national elections and the European elections register which, I understand, is open on a rolling basis, so he has got experience of both types of registers. I think it is important that we do not turn our back on that important resource when we are considering how to change our Register of Electors rules.

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The next issue, Mr Speaker, deals with election expenses. This is Recommendation No. 22. It reads as follows:

695 ‘We recommend that section 14(2) of the Parliament Act should be revoked and that all election expenses incurred at any time before the date of the poll should be taken into account to arrive at the total amount of election expenses incurred.’

700 Mr Speaker, this is a difficult issue but it is important that election expenses rules are there, they are workable and they are observed, because they are what guarantees the level playing field beyond which parties cannot spend, however cash-rich one party may be compared to another. But to understand the recommendation I think we have got to look at section 14(2) of the Act, which reads as follows:

‘In determining the total expenditure incurred in relation to the candidature of any person at any election, regard shall not be had to any expenditure incurred one month or more before the election, in respect of services rendered or materials supplied.’

705 What that section is trying to do, Mr Speaker – the whole purpose of the clause – is to ensure that the

party that knows the date of the election cannot spend before the election without there being at least a hiatus in their pre-election spending.

710 Members will, no doubt, recall before the last election a glossy booklet delivered to all households in Gibraltar which was distributed, I do not know whether almost exactly or just beyond, the 30-day limit before the start of the last campaign by Members opposite. Look, that is the past... we have got to look forward and we agree that section 14(2) is outmoded and is not necessarily working as it was intended to work: but it needs to be addressed. Having said that, Mr Speaker, the recommendation we think goes a bit too far because simply *abolishing* the time limit may not have the desired effect, and that is what the recommendation says, abolish the time limit. If you did that, Mr Speaker, then you would be left in the situation where *all* expenditure in the four years and the four year term would be relevant. In fact, if you get rid of a time limit, why just limit to the four year term and how far back do you go? So 14(2) has not perhaps worked in exactly the right way and we need to address the concerns clearly expressed by the Commission in the Select Committee to see what change 14(2) may have to undergo, but I do not think getting rid of the time limit is necessarily the way that we deal with, or cure, the problem.

720 Equally agreeable as to purpose, Mr Speaker, and perhaps less problematic in implementation is the Recommendation at No. 23, which says this:

725 'We recommend that the Election Rules should provide, by means of a schedule, the format of the return of election expenses and the form of words of the statutory declaration.'

730 Mr Speaker, we certainly agree with the Commission that the practices built up, of each party, in the absence of any rules, presenting accounts in their own format, as they see fit, in keeping with general accounting principles, or whatever it is... but the Returning Officer, and even members of the public, who may want to inspect the election expenses are looking at things which are not compiled in the same way and they are, therefore, not necessarily comparing like with like. And a format – in fact, probably just a form not so much a format – a form which the Returning Officer produces to each Party for them to account for expenses in a particular format so that everybody who then has an interest in looking at these expenses can see the same form filed by each Party, or by each candidate, rather, I think is something which should not necessarily be resisted. I think it is something that the Select Committee will want to look at and can produce a form in which relevant election agents can report expenditure in an equal way.

735 The next Recommendation, Mr Speaker, deals with inspection of the returns of election expenses and it says this:

740 'We recommend that section 15 of the Parliament Act should specify that the returns of election expenses can be available for public inspection without limitation.'

Well, you need to put that Recommendation in context. Section 15(5), which is the relevant part of section 15 of the Parliament Act, deals with publication of election expenses like this. It says:

745 'The Returning Officer, within ten days after he receives any return under this section, shall publish in a daily newspaper a notice of the time and place at which the return and the document in support thereof can be inspected.'

750 Well, Mr Speaker, that creates a number of issues. Different parties, or different candidates, may put in returns on different dates and I think the practice of the Returning Officer has been to set a window when they have to be submitted, otherwise he might have to be advertising for Candidate X, 'You can come and see it on *this* date', for Candidate Y, 'You can come and see it on *that* date' because of the 10-day limit that operates on him. But, what we do not think this section does is limit how long election expense documentation is available for inspection, although it may have been traditionally interpreted in that way.

755 So this is a Recommendation that the Commission make that we agree should be referred to the Select Committee, even if only to clarify that the Returning Officer is free to designate – although we think he already is, but let us clarify that – that the time and place for inspection could be as wide, for example, as 'at Parliament House on any day until the date that the next election is convened', for example, which would, in effect, allow the documents to be inspected throughout the lifetime of the relevant Parliament, or perhaps even longer, if you wanted to use different language and wanted to have this as a public record that is just publicly available for anybody to inspect. Frankly, in our view, Mr Speaker, this is now information that should be published online and should be available for any citizen who wants to inspect it, like all other Parliamentary information, like the Register of Member's Interests, that the Commission has recommended should also be on line – and we agree.

760 But if there are ambiguities that have led Returning Officers to think that they make this information available only for a specific time, in a specific place, if the internet has overtaken us all and we need to provide new wording, then I think this is something that the Select Committee can look at and resolve quite quickly.

770 Mr Speaker, the next Recommendation deals with contributions to candidate's election expenses during the course of election campaigns. It is Recommendation No. 25 and it reads as follows:

775 'We recommend that every donation over £100 incidental to an election campaign, whether as one donation or as several lesser donations amounting in total to £100 from the same source, should be separately declared in the Return of Election Expenses, together with the identity of the donor.'

780 Mr Speaker, we agree that the candidates' Return of Election Expenses, or the return of a group of candidates, should certainly illustrate who has contributed to the campaign of that candidate. Multiples of £100 does not seem an unfair amount to be referring to, although the Select Committee may think that a slightly larger amount, like £250, may be relevant and we agree that this recommendation as to candidates' election expenses should be referred to the Select Committee for implementation at the next General Election.

The next Recommendation, Mr Speaker, then deals with 'what *is* an election expense?' It says this:

785 'We recommend that the Parliament Act should provide an extensive definition of election expenses.'

790 For the reasons that have been identified in the Report, Mr Speaker, we need to give some meaning to the rules on spending and we agree. The Select Committee, I think, will need to come up with a definition: it is probably not going to have to re-invent the wheel – there may be definitions used in other Parliaments that we can cannibalise for our purposes.

795 Checking the Parliament Act, it is clear that there is nothing there which assists in the definition of 'an election expense'. One would have expected that the Act would contain a definition of 'an election expense': it is not there, that definition, and perhaps it needs to be there or elsewhere in the rules. I think it is also fair to say that, in the context of the Recommendations that you make, I think there are three areas where the Parliament Act, it is recommended by the Commission, should be amended. It is a piece of legislation from 1950 and those who go online now can see how often it has been amended. It has only been amended five or six times in the past 63 years. I think that demonstrates it is a good piece of legislation which has worked well that now requires tweaking and we should not be shy, in the Select Committee, of making such recommendations for amendment of it as may be necessary in order to update it into the more modern practices that have now overtaken the way in which elections are run.

800 Mr Speaker, the Commission then moves on to Recommendations that deal with 'the vote' and voting. Recommendation Nos. 27, 28 and 29, which are dealt with together, say as follows:

805 'We recommend that early absentee voting should be introduced for electors who satisfy the Returning Officer that they are obliged to be absent from Gibraltar at short notice on polling day for unforeseeable and compelling reasons and cannot recourse to postal voting.'

810 I recall, Mr Speaker, I think in the last two elections there have been a number of pilgrimages organised around the date of the poll, involving supporters of all candidates, and that and other reasons for being out of Gibraltar have led to an *ad hoc* procedure being set up in some instances.

Recommendation No. 28 then says:

'We recommend that section 20(2) of the Parliament Act should be amended to increase the period between the issue of a writ calling for a General Election and the day of the Election from not less than thirty days to not less than forty-two days'

815 and Recommendation 29 says this:

820 'We recommend that the timetable in Rule 2 of the Election Rules should be amended to set the closing date for the delivery of nomination papers as noon on the 33rd day before the date of the election instead of the present 21st day and, additionally, consequential adjustments should be made in the period of time allowed for candidates to withdraw their candidature.'

825 Mr Speaker, we certainly agree with Recommendation No. 27 on early absentee voting but subject to a mechanism, and I am sure that this is what the Select Committee will want to ensure, being introduced and implemented in the Parliament, which is in this building itself, in other words in the control and under the auspices of the Returning Officer and with appropriate security mechanisms in place.

830 As we all know, who have been involved in elections, Mr Speaker, this place becomes a hive of activity at the time of a General Election. It is also the most secure place where ballot papers etc. are held and delivered. Bringing people into vote will have an effect on the workings of the Returning Officer at the time but, of course, in the context of other changes like, for example, the Register of Electors being open and closing just after an election is called, rather than opening sometimes at the time that a General Election is called for a supplementary register to be prepared, that would take away a huge work from the Returning Officer at the time. We could, instead, have this process of having absentee voting going on in the Parliament in a way that does not upset the working of the Returning Officer. I know it has been done

before, it is just a question of agreeing the mechanism, all parties being happy with it, the security of it, so that the integrity of the vote is not in any way questioned, also being dealt with and one that I am sure will enjoy support across the floor of the House.

We also agree, Mr Speaker, in relation to Recommendation Nos. 28 and 29, that the time limits for elections have been too short in the past, in particular because of the complication of supplementary registers of electors being compiled sometimes at the same time. So, again, in the context of an open register, although these issues should be less relevant in the future, and time may not be at such a premium, I think it is still going to be a busy time for the Returning Officer and his staff, as well as for candidates and party workers. So, therefore, we would agree the extension of these relevant time limits but, perhaps Mr Speaker, not to the extent proposed by the Commission.

So Recommendation No. 28, we propose that section 20(2) of the Parliament Act be amended to ‘not less than thirty-five days’, so five more days than the current thirty days, but seven less than the proposed forty-two.

In respect of Recommendation No. 29, instead of increasing the time in Rule 2 of the Election Rules from twenty-one days to thirty-three days, which we think would be slightly too long, we would propose also a time of twenty-eight days.

But that is detail, Mr Speaker, and we are happy to consider that detail with colleagues in the context of the work of the Select Committee and with the Returning Officer, who has the experience of what it is that goes on at the time that the election is called.

Mr Speaker, Recommendation No. 30 we think has actually now been overtaken by events. That Recommendation states as follows:

‘We recommend that the Gibraltar Regulatory Authority should set a code of broadcasting standards for Gibraltar Parliamentary Elections in consultation with the Returning Officer and the Gibraltar Broadcasting Corporation in line with the requirements of the European Parliamentary Elections Act.’

Mr Speaker, as you are aware, the Broadcasting Act 2012 does just that. In fact, it is for that reason that we have recently argued in press releases that the composition of the board of GBC, for example, is no longer relevant in relation to balance and appeals from editorial decisions. Well, in any event, this is a Recommendation that is, happily, one that we take the view has already been specifically implemented in almost identical terms to the Recommendation of the Commission.

Still on the media at the time of the election, Recommendation No. 31 says this:

‘We recommend that exit polls should be regulated as to the manner in which they are conducted and that a prohibition should be placed on the publication of their results prior to the end of voting on polling day.’

Mr Speaker, this is already the case by established convention, in our understanding. But it is interesting that there is not... well, there has not traditionally been a legal rule that provides for this. I do not know whether the Regulator may have, in the rules he has made, now dealt with this issue, but it is certainly, in our view, something for the Select Committee to consider because, if there is not already a rule, there certainly *should* be a rule that exit polls should not be published, or polls should not be published, during polling day.

I do not think it is a rule or a convention that has ever been breached in Gibraltar, but perhaps it is important that we now have this rule. The one thing, Mr Speaker, I would say in respect of Recommendation Nos. 30 and 31 that I have just dealt with, is that, of course, it is very easy to regulate those that cannot escape regulation like, for example, the GBC, and the rules that the GRA makes have to be observed by the GBC as the public broadcaster and conceivably any other broadcaster licensed in Gibraltar is caught by the regulation of the regulatory authority, subject to the Recommendation that you have made, of course.

But how do you regulate the internet, Mr Speaker? That is an issue that goes beyond this debate, of course, but it would be a relevant factor. Who has the power to regulate what is put up on social media, on internet sites, the domains of which are hosted outside of Gibraltar? That is an issue that I think perhaps the Select Committee will need to consider in the context of this business of exit polls etc. because, absent people voluntarily adhering to the conventions that have been followed in the past, it may not be that there is a regulator with reach, like the GRA, that reaches other broadcasters that are licensed. It may be that the Returning Officer, who has responsibility for elections, is the right person to regulate *some* aspects of this in the – if I may call them – sort of ‘disestablished media’ and that there should be general rules which can catch people in Gibraltar under the powers that the Returning Officer has. Again, something that the Select Committee will have to consider in greater detail.

Mr Speaker, the Report then moves on, really, to the night of the count and making this recommendation at Recommendation No. 32:

‘We recommend that the Returning Officer should give serious consideration to establishing what technological advances are

available for the counting of votes and whether these could be adopted in Gibraltar.’

900 Anybody who went through the last count would have been very happy to see a computer tell us the result by 1 a.m. in the morning. But, anyway, we agree that new technologies should be considered but always subject to the integrity of the counting process and of the vote being guaranteed. It has always been guaranteed in Gibraltar, Mr Speaker. Even though we have taken a few hours – five or six hours – to count, we have known that we can count on the integrity of those involved in counting on the night and that we get a very precise and very clear result.

905 I think nobody in this House would want the nightmare of ‘hanging chads’ that we all had to become very interested in, in the early part of the last decade, hanging over an election result in Gibraltar, with our Supreme Court being involved in determining issues and there not being a result announced, when you implement a system that is designed to give you a sooner result. So I think something to look at, something for the Select Committee to work on again, I think, with the members of the House staff and the Returning Officer.

910 Mr Speaker, in Recommendation No. 33, the Commission deals with a proposal to create a Register of Political Parties and also, outside the Recommendation, deal with what political parties should do and how they should run their affairs and all the rest of it. The Recommendation alone says this:

915 ‘We recommend that subsidiary legislation for the registration of political parties, with their basic provisions detailed in the outline proposal at Appendix 1, should be introduced.’

920 and, in doing so, you introduce Appendix 1 into the Recommendation. If I can just take Members of the House to it – Appendix 1 sets out the proposal for registration of political parties, setting out that they must have a constitution, what the executive is made up of, subscriptions, annual general meetings, etc. etc.

925 I think we must part company with the Commission on this issue. We do not believe there should be a requirement of registration for political parties. The constitutional freedom of association in our Constitution, in our view, requires that people should be able to congregate without the requirement to register as political parties. The same is true, you might say, Mr Speaker, in respect of Trade Unions and yet Trade Unions are required to register themselves, but Trade Unions enjoy immunities under our laws for specific purposes and, therefore, the registration engages those immunities. Political parties actually do not enjoy advantages. It is actually Members of Parliament that enjoy advantages and they congregate in groups that they call political parties. But we do not think that it is constitutionally acceptable to require people to register themselves as political parties.

930 If I may just, Mr Speaker, without entering into the politics of it, I know that Members opposite in their political party run things, or have run things in the past, in a different way. It has worked for them and people have accepted that and returned them as a Parliamentary group to the Government benches on a number of occasions. When the Hon. the now Deputy Chief Minister, Mr Bossino, and I were much younger, we congregated around a coffee table and called ourselves a political party and, you know, what is wrong with that? Should we be required to register and to hold meetings in a particular way and should any strictures be put on the way that people organise themselves as a political party? I mean, one wonders what the anarchist party might think of that and they have a right also to regulate their own affairs in such a way as they may on each day decide.

935 So, jesting aside, I think that this could interfere with the right to congregate and associate freely under the Constitution and, therefore, that Recommendation will not enjoy the support of those of us on the Government benches.

940 Neither, Mr Speaker, do we see a need for the establishment of a statutory Election Commission, as recommended in Recommendation No. 34, which reads as follows:

945 ‘We recommend the introduction of a Bill for the establishment of a statutory body to be known as the Electoral Commission, with the basic provisions detailed in the outline proposal of Appendix 2.’

950 Appendix 2, Mr Speaker, to the Commission Report is almost, I must say, a very full proposal for a Bill, with quite a lot of detail and I am sorry to say, because a lot of what has obviously been done by the Commission on that... that we do not think that an Electoral Commission is relevant in Gibraltar. I do not think anybody has ever questioned the integrity of the way that we conduct elections. We are a thriving democracy. It may be rougher or tougher during different parts of the election campaign, but I think that this Parliament has demonstrated that it is elected fairly and freely, successively, there have been transfers of power now on a number of occasions in Gibraltar, to such an extent I think we can call ourselves a mature democracy.

955 The Electoral Commission might actually be an indicia of maturity in other Parliaments, in other democracies. We just do not think it is something which is necessary in Gibraltar because of the mechanisms that we have in place and the control that is in place already through the office of the

960 Returning Officer and the powers contained in the Parliament Act, in particular, if we make amendments to the Parliament Act and we give powers to the Returning Officer in the context of what the Select Committee is going to consider. We will hear what Members opposite have to say about that, but we are not convinced that this is something that requires engagement.

965 We are with you, though, Mr Speaker – sorry, with the Commission, Mr Speaker – on Recommendation No. 35, which states:

‘We recommend that legislation permitting the holding of and regulating the conduct of referenda should be enacted.’

970 Mr Speaker, that has been our policy since Mr Peter Hain’s said that our 2003 Referendum was not valid. Indeed, I think there is already a draft Bill that will shortly be published to deal with this issue. I think we all took the view here that there clearly *was* power to convene a referendum but, *ex abundanti cautela*, why not have a piece of legislation that now sets out what the requirement and what the mechanisms for future referenda might be?

975 Then, Mr Speaker, the Commission moves on, hand in hand with all of these issues, how should the franchise be conducted and who should be a part of it. Recommendation No. 36 says this:

‘We recommend that the Parliament Act should be amended to increase the qualifying residency period from a continuous period of six months to a continuous period of three years.’

980 Mr Speaker, we think that is a sensible Recommendation but we think it is something that needs to be considered, and the implications of it need to be considered, in detail by the Select Committee. I think there will be people who will have been here for more than six months before the rules change who might say that they have acquired rights, should an election be called after that period but before they are here for three years, so I think this is an issue that needs to be considered in detail by the Select Committee, although I think it is likely that most of us agree that a residence period of six months is probably now too short for people to know what it is that they are voting on or about and what the parties are. But I think it is one matter that the Select Committee may want to look at in more detail before determining *how* to accept that recommendation and what the exact time limits should be.

990 We do not agree, Mr Speaker, however with the 37th Recommendation of the Commission, which says this:

‘We recommend that the Parliament Act should be amended to *extend* the franchise to persons residing outside Gibraltar who are eighteen years or over who are registered as Gibraltarians under the Gibraltarian Status Act and who are (a) in permanent employment; (b) actively involved in carrying on a business; (c) exercising their profession or (d) in full-time education in Gibraltar.’

995 Mr Speaker, this is not an issue that has an easy solution. May I just say that I think people who are in full-time education *outside* of Gibraltar are already entitled to vote in Gibraltar elections, hence that we have – at Gibraltar House in London, usually – a polling station, so to speak, for ballots to be sent in as postal ballots that are then brought to Gibraltar. Some of them can be sent directly to Gibraltar so (d) in Number 37 we believe is already covered.

1000 Now, the other issue is if people have moved out of Gibraltar, they are literally living out of Gibraltar – not for educational purposes – they have traditionally and historically *foregone* their right to vote because it has always been a right based on residence. So to make the issue of the right to register based on the other three limbs of No. 37 *and* registration under the Gibraltarian Status Act is we think, a little bit too complicated and perhaps not quite as fair as it may seem at first blush. For example, somebody may be entitled to register under the Gibraltarian Status Act even though they have only been here three years but they may, for other reasons, be entitled to register. Then, if they maintain a company in Gibraltar through which they do their business, they could go and live anywhere else in the world and be entitled to vote.

1010 Yet you could have people who have been resident in Gibraltar all of their lives but are not able to register under the Gibraltarian Status Act for some *other* reason. There are instances that come to me, as I am sure they came to the previous Chief Minister, of people, for example, who have been resident in Gibraltar for fifteen years, have gone to the United Kingdom and they are back after eight years and they want to register under the Gibraltarian Status Act and they are not able to because they do not have the lineage, and then they have issues, or they would have had their residence for twenty-five years coming up... There are circumstances like that which create unfairness and, look, the traditional way of determining who is entitled to vote in our Parliamentary elections has been based on residence. We do not think that is an unfair way of determining who is entitled to vote in the future and we would, therefore, propose that it continues to be based – the franchise should continue to be based – on residence, as it historically has been, with the caveat that we do think that Gibraltarians who are *studying* abroad should be entitled to vote but we think that is the case already and that no amendment is required for that

purpose.

1025 Certainly, Mr Speaker, unless I am wrong, in every election in which I have been involved since 2003 those who have been studying in the United Kingdom, Gibraltar students in the United Kingdom, have been able to vote as postal voters and facilities have been put in place to try and ensure that the postal voting mechanism has not thwarted their ability to have their vote counted, by allowing for that to be sent, as I said a moment ago, to Gibraltar House.

Mr Speaker, then Recommendation No. 38 says this:

1030 ‘We recommend that the maximum period of time between the issue of a writ and the holding of a General Election should be reduced from three months to forty-two days.’

1035 Mr Speaker, we think that there are very few circumstances where this would be relevant but we think that limiting the period in this way is not hugely important. We are not persuaded that there are good reasons to amend the Constitution, and this would require a Constitutional amendment to make this change, although it may be something that if there are Constitutional revisions in the future, could then be considered in more detail.

1040 But look, if a Chief Minister wants to call an election in forty-two days’ time he can, if he wants to call it in thirty days’ time he can, subject to the new limits that we are thinking of putting in of perhaps thirty-five. If he wants to give three months’ notice, well I mean that is not a bad thing for others who are going to be involved in the election because they will know for longer. I wager people will get bored of us politicians running around campaigning for a whole three months, but it would not be bad for democracy.

1045 So when would this period be relevant? It would probably be relevant when time has run out for an election to be called and it is called automatically. It is then called for three months thence rather than forty-two days thence, which is what is being proposed. I do not think it is a hugely important issue meriting engagement on amendment of the Constitution: it may be something that, if there are Constitutional talks going on, can be looked at, but we do not think that it would hugely enhance the quality of our democracy to engage just for that purpose.

1050 Finally, Mr Speaker, the 39th Recommendation refers to offices for the Leader and Members of the Opposition and reads as follows:

1055 ‘We recommend that office and secretarial facilities for the Leader and Members of the Opposition should be made available near the Parliament.

1060 We do not believe, Mr Speaker, that services should be provided to Opposition Members alone. Government Members do work as Government Ministers but they also do work as Members of this House. The refurbishment of the Parliament is already underway, Mr Speaker, beyond the refurbishment of this Chamber and will shortly move to a refurbishment of the Ante Chamber and other parts around the building that should, in our view, make it possible to create new spaces for Members generally, not just Members of the Opposition but Members generally, to have available the meeting rooms that the Commission recommends, with some appropriate secretarial support.

I think I speak for ....

1065 **Mr Speaker:** I hope the Chief Minister will not forget the Speaker.

1070 **Hon. Chief Minister:** Perish the thought, Mr Speaker. In fact, as it happens, I think you are the only person that has an office at the moment, but the whole idea of the refurbishment is the refurbishment of the whole of the area at the back and perhaps some of the other areas in and around the building and certainly Mr Speaker would not be forgotten in this context. The ability to do the business of Parliament as parliamentarians must depend in having the facilities necessary for us to do that work as parliamentarians. That includes the Speaker, the Clerk and officers of the House, as well as Members on both sides of the House.

1075 But if I might just say, Mr Speaker, in the context of the assistance that members of the staff of the House give Members of the Parliament, certainly my experience when in Opposition was that they were hugely helpful whenever they could. Of course, in the context of an election campaign there is a lot going on and members of the House staff become the Returning Officer’s staff and we cannot expect, at that time, to ask for a copy of the relevant *Hansard* and get it as quickly as you might on a quiet day in deepest August when there is not an election campaign going on. But, absent that, I found, as I am sure Members across the floor have found, that members of staff of the House are hugely helpful, whether one is in Government or in Opposition. They are blind to where Members sit: we are all just Members, as far as they are concerned, with our different responsibilities and hugely helpful at that.

1080 Mr Speaker I have dealt specifically as I set out to do with the Commission’s Recommendations only



1085 because that, in my view, is what the Commission is putting to the Parliament. I have not dealt with matters on which you have not made recommendations. In particular, Mr Speaker, I note the dissenting opinion that the Commission has provided from Mr Vasquez QC. You have not made a recommendation in respect of the views advanced by him so I have not had to address it, but we take careful note of what he writes: there is no recommendation there though for us to consider.

1090 Mr Speaker, the Select Committee that I propose to establish to look at the detail will need the help and support, as I have said, also of the Clerk but I believe it should also meet at least once with the whole Commission to go through some of the areas that I think should be deferred to the Select Committee so that, perhaps in conversation, we could hear the voice of the Commission and what their concerns were in case we may have misinterpreted any of them. I am conscious of the fact that, although you were the Chairman of it, you cannot from your Chair form part of this debate and, therefore, I think the appropriate process would be for the Select Committee to engage with the whole Commission at the start of its work so that the Commission can inform the Committee of any aspect of its work that may be relevant.

1095 Mr Speaker, finally, I would say that I think I have structured my intervention today on a Recommendation by Recommendation basis so that the position is clear to hon. Members on both sides on each and I will very much look forward to hearing what it is that Members opposite have to say. I would alert the House, Mr Speaker, that my intention would be to hear what other Members have to say and then recess for a short while so that we can, if necessary, consider issues together as to the amendment and then come back and take the amendments during the course of my reply, as I said. I hope that we can have this debate in the spirit of co-operation and not of confrontations because I think that reforming this Parliament and reforming its procedures is improving our democracy for the better. That is what our citizens demand and deserve.

1100 Mr Speaker, at that moment, conscious of the fact that I have been on my feet for quite a while, can I propose that we recess now also for a few minutes in case Members need to have a comfort break or something. I would like to be in the Chamber for the whole of the debate and would not mind a recess of five minutes if you would agree.

1110

**Mr Speaker:** The House will now have a short recess for ten minutes.

*The House recessed at 11.00 a.m. and resumed its sitting at 11.25 a.m.*

1115

**Mr Speaker:** I now propose a Question in the terms of the motion moved by the Hon. Chief Minister. Does any hon. Member wish to speak?

1120

**Hon. D A Feetham:** Yes, Mr Speaker.

First of all, may I start by thanking the Commission and you in particular for the Report and the obvious time, effort and care that the entirety of the Commission has taken in producing this Report. Obviously, I speak on behalf of all hon. Members on this side of the House.

1125 Mr Speaker, in relation to the mechanics, I was going to say something about the mechanics that the Chief Minister outlined at the beginning of his intervention in relation to this debate. The Chief Minister and I have already spoken in the anteroom and what I will do is I will allow the Chief Minister to, basically, by way of response, deal with the question of mechanics: because as I understand it, we have agreed, in principle, to move away from what was originally proposed, which was for the motion to be amended in order to include all the recommendations that the Government thinks it ought to include in that motion, to a different suggestion and allow the Chief Minister to effectively outline to this House and, indeed, to listeners out there what we have tentatively agreed.

1130

1135 Mr Speaker, I am going to be effectively talking about general principles. I am going to be focusing on a number of areas. Before I outline those areas, all the hon. Members on this side of the House will have an opportunity and, indeed, will speak on the Report. Isobel Ellul-Hammond will be talking about Part II, although I will be dealing with certain issues in relation to Part II. Mr Bossino will be talking about Part III, Edwin Reyes will be talking about Part IV and Mr Netto will be talking about something that is dear to his own heart – he talks from his own perspective, it is his own view – and that is in relation to the Oath that we all have to swear at the beginning of Parliamentary proceedings.

1140

1145 But, Mr Speaker, in my own intervention what I want to talk about is, first of all, I would like to place this Report and, indeed, the debate on Parliamentary reform into its proper historical context. I think that is helpful and that is what I intend to do; secondly, it is the issue of enlargement, which is of fundamental importance to this side of the House; thirdly, Questions and Answers; fourth Parliamentary timetable; and then, finally, I will talk from a personal perspective, because it is not an issue that, in fact, my Party has a particular policy as an outline, but from a personal perspective I want to talk about something that does not contain a recommendation but it is dealt with by the Report and that is the serving... for nobody to

serve as Chief Minister for more than two terms.

Mr Speaker, you can see from the outline of these five points that, in fact, I am not going to be restricting myself to the Recommendations made by the Commission and, indeed, I am going to be talking about areas where this is no Recommendation by the Commission but that are, as I say – such as enlargement – important to this Party on this side of the House.

Mr Speaker, Parliamentary modernisation was always envisaged at some point in the future when we negotiated a new Constitution. In 2007 we moved to a Constitution which, not only, in our view, provides a maximum level of self-government but included, amongst other things, modernisation of the composition of this Parliament and, indeed, the balance of executive competencies. The Financial Development Secretary and the Attorney General were replaced by Elected Members and I had the privilege of being the first Minister for Justice to swear an Oath at the opening of Parliament after the 2007 Election, all as a consequence of the Constitution. Indeed, under that Constitution, this House went from being a House of Assembly to our Parliament. And therein lies part of the challenge for this House, that we have a modern Constitution underpinning a Parliament and yet the organisation of this House, the way it does its business, is based on the architecture, in our view, of a Legislative Assembly underpinned by Constitutional arrangements that this community has outgrown.

Of course, there are other reasons why Parliamentary reform is necessary, not least because we have to make a genuine effort, in our view, to make the proceedings of this Parliament as accessible and as relevant to people as possible. The GSD's longstanding position is that – the GSD's Opposition's longstanding position – is that it is supportive of any attempt to reform and modernise the way that Parliament operates. That is not a position we take for the first time today on this motion, it is a well-established position of this Party going back a number of years. It will be recalled that, in 2009, we convened a Select Committee on Parliamentary reform. I do not want to get bogged down in the reasons why that Committee only met twice; those have been ventilated in the past both in this House and outside the House. But in 2001, the then Chief Minister, Mr Caruana, moved a motion resolving for the House to convert that Select Committee into a Committee of the whole House in order to allow Members to discuss and consider a number of principles that ought to underpin the reform and modernisation of Parliament and its work. Most, though not all, of those principles, with some exceptions, are reflected in the Report and the recommendations that we are considering today.

Thus the motion presented by my learned and hon. Friend included the principle that each Minister should appear in Parliament at least once a month to answer Questions about his or her Ministerial responsibility and that the Chief Minister should answer Questions once every two weeks, with Standing Orders limiting the duration of each monthly session. Whilst recognising that the House was too small to permit the widespread use of multiple Parliamentary Committees as in other larger Parliaments, the motion recommended that there should be at least one standing General Purpose Select Committee, Chaired by a Member of the Opposition, able to summon Ministers, Officials and others in any policy area, as in the case of Select Committees in the UK.

It included televising of Parliamentary proceedings, the modernisation of Standing Orders and the reform of the Rules to ensure that Opposition obtained a monthly opportunity to bring motions for debate in Parliament, which is possible under current rules but, given that only the Government controls the ability to suspend Standing Orders to allow such a motion to be taken before the end of Government business, it also has the ability to delay that motion to a time when it is least convenient for members of the press and therefore least effective.

We can debate as much as we want, but whilst the Government controls the ability to have that debate heard on the political equivalent, in my view, of Siberia on an exceptionally cold day, namely very late on Friday evenings – and I have found myself questioning the Father of the House on exceptionally cold and late Friday evenings – the effectiveness of motions as a means to hold the Government to account will be severely restricted. That is why my hon. Friend Mr Caruana was proposing to reform the Parliamentary timetable, too, and have specific slots for debating Opposition Motions which I hope is an idea that can be taken forward in any future reforms under this process despite the fact that there does not appear to be any Recommendation to that effect.

Mr Speaker, in our view as an Opposition, the single most important proposal by Mr Caruana during *his* motion was the proposal to enlarge Parliament from 17 to 25 Members in order to allow backbenchers on both sides of the House. During the debate on the 2011 motion in my contribution I said that, whilst I only spoke for myself, the issue of enlargement of Parliament to create backbenchers was so critical that I did not believe we could have profound reform of our Parliamentary system without it. Nothing that has transpired since then has changed my mind. It is, of course, a GSD Manifesto commitment. Unfortunately, Mr Speaker, it is a commitment which cannot be fulfilled, even if we were in Government because, constitutionally, it requires support of a two-thirds majority of this House.

At the time of the 2011 motion this was the only issue that, indeed, separated both sides of the House and it was the only issue that prevented a consensus either on the motion presented by my Learned and Hon. Friend Mr Caruana or, indeed, the amended motion presented by, or moved by, Mr Licudi. It may

1210 be recalled that the then Leader of the Opposition went through the motion point by point, agreeing to all  
of them except for the enlargement of Parliament for the purposes of creating backbenchers. I hope, Mr  
Speaker, that I can prevail on hon. Members opposite to support the principle of enlargement of  
Parliament. I recognise that the issue of enlargement could bring to bear considerations of the electoral  
system in order to elect any additional Members, but it does not have to be so and my preferred option –  
our preferred option – for reasons that I will develop in a moment, is to simply increase the number of  
candidates fielded by political parties at election time.

1215 It was, of course, specifically envisaged that it might be desirable to enlarge Parliament when we were  
negotiating the new Constitution with the United Kingdom. It was the Gibraltar delegation in the  
proposals that we put to the United Kingdom that included the power to enlarge Parliament. Indeed, Mr  
Speaker, if at the time of those negotiations, we on the Gibraltar side felt that for those reasons we should  
have the power to enlarge Parliament, we must have believed that, at some point in the future, it might be  
1220 desirable for us to do precisely that, to enlarge Parliament. Hon. Members who were present during those  
negotiations, Mr Speaker, the Father of the House, the Deputy Chief Minister and the then Chief Minister,  
Mr Caruana, will recall the United Kingdom's side of the negotiations at the negotiating forum was  
concerned that this should not open the door simply to expanding Parliament so that the executive could  
get even bigger and a Chief Minister could appoint as many Ministers as there were MPs on the  
1225 Government side. This is why the Constitution contains a formula which caps the number of Ministers  
that can be appointed, thus ensuring that the rest of any enlarged Parliament would be effectively  
backbenchers.

Mr Speaker, I have to respectfully say that I find this part of the Report, at Paragraph 2.17, to lack  
focus. I do not know whether that stems from the fact that the enlargement of Parliament appears to have  
1230 been considered in the context of the creation of constituencies and was thus conflated with that issue or  
because the Commission was mainly focusing on the issue in the context of Government backbenchers  
and not Opposition backbenchers. At the very least these appear to be the principal considerations, as far  
as we can see from the Report.

Again, with respect to my friend Mr Robert Vasquez, who I respect considerably, we are not in favour  
of the creation of constituencies or wards for the selection of backbenchers. Gibraltar is simply too small,  
in our view, for such a system to work. The premise for Mr Vasquez's proposals appear to be based on  
the premise that there is a deficiency in access between constituents and their MP which would be  
improved by dividing Gibraltar into constituencies. I do not believe that deficiency exists. We are a  
community of 30,000 people and it is probably one of the few communities in the world where you can  
1240 gain access to Government Ministers or Shadow Ministers within a very short period of time. I hold  
surgeries every other Wednesday and I meet people every Friday. My colleagues on this side of the  
House have similar systems.

I do, however, agree with Mr Vasquez that when a frontbench spokesman of the Opposition takes up  
an individual case, either in Parliament or by raising it with a Minister or a Department, it could be  
1245 perceived as being tainted by political bias or political considerations. In other words, the governing party  
may have a tendency to analyse them with suspicion and scepticism and possibly consider them in a  
negative light. A backbencher dedicated purely to constituency work may not be hampered in that way.  
The argument, of course, Mr Speaker, has its limits because the Government and Shadow Ministers in the  
UK do see constituents at their local constituency surgeries. But, Mr Speaker, the thrust of Mr Vasquez's  
1250 minority report is that he very much favours enlargement of Parliament to create backbenchers and we  
certainly agree with that.

Mr Speaker, I have not conducted an analysis of every other Parliament in the western hemisphere but  
there cannot be many where those selected to it for the first time are effectively plunged into ministerial  
or shadow ministerial roles. In other words, that person may find himself or herself as a lawyer, a nurse or  
1255 a school teacher one day, and running a Ministry the next simply through lack of choice in the way that  
we have structured our Parliament. There are many examples where people coming into this Parliament,  
or the House of Assembly, for the first time, have made very substantial contributions to politics, but it is  
not a good system: it is not a good system.

It is not only a question as to whether that person is good enough, or apt, for ministerial or shadow  
1260 ministerial office, our system may actually discourage people from standing for election, people with  
expertise in certain fields or the experience of life, who can genuinely make a contribution from the  
backbenches without wanting to hold ministerial office, or people who may, in time, be the ministers or  
the shadow ministers of tomorrow, who having had the benefit of a political apprenticeship in the  
backbenches would be much more prepared for the job they may face in the future.

1265 There are many reasons why people may want to become Members of Parliament but not a  
Government Minister or a Shadow Minister. There may be professional or family reasons. The fact that  
someone may want to participate in the political process or the legislative process does not mean that he  
or she may want to do so full-time to the exclusion of his or her profession or the running of their  
business. I can think of many leaders in their respective fields in this community that would enrich this

1270 Parliament with their contributions but may not be able to commit to leaving that profession or business for a role as a full-time Government Minister or, indeed, a Shadow Minister. You may also have young children and the time is not right for you to commit to being a Government Minister or Shadow Minister but you still want to, and can, contribute, to the Parliamentary process by becoming a Member of Parliament. The reasons are many and are also varied.

1275 On our side of the House, of course, Mr Caruana is the sole backbencher. No-one can seriously suggest that *his* contributions to this House are not welcome. We should be encouraging people like Mr Caruana to stay in Parliament, not leave after a term because, if he stands, he is effectively standing for election for ministerial office. In other words, he would be standing for Government, not to be a backbencher on the Government's side. I may, in a number of years, decide to step down as Leader of the GSD. Why should I, after having spent many years on the front bench on both sides of the House, have to decide, in an all or nothing decision, that if I wanted to stand for election, it is to offer myself for election as a Government Minister rather than help my party, and indeed the community as a whole, by effectively being prepared to stand for election as part of a backbench, part of my party's team?

1280 Mr Speaker, this must be one of the few Parliaments in the world in which, if you wish to stand as a Member of Parliament, you are, in effect, standing for the Cabinet or for Government Ministerial Office. I do not believe that that is a credible state of affairs. Not only does our present system exclude people who, quite frankly, we should not be excluding but I believe that having backbenchers would hugely increase the quality of our democracy. It is often said that the most effective Opposition to Governments very often comes from the backbenchers because of the propensity in any given situation, where people feel strongly enough about a particular issue, to vote against the Government. At the present moment, every Member of this Parliament, bar one, is subject to the principle of collective Cabinet or Shadow Cabinet responsibility.

1285 Unless there is a free vote on an issue, or a Member feels so strongly about an issue that he resigns from the front bench or from Parliament, which is after all pressing the nuclear option, he or she have to express their views privately in Cabinet or Shadow Cabinet and, after a decision is taken, support that decision and that line. The ability of backbenchers to break rank from the party line is one of the most enriching factors in any democracy. Further, Mr Speaker, the system we have at present, effectively entrenches people in their Ministerial or Shadow Ministerial position, irrespective and regardless of whether they are doing a good or a bad job.

1290 Neither the Hon. the Chief Minister nor I have the ability to promote or demote people, whether they are doing a good job or a bad job. You could have someone who is only interested in doing the minimum necessary to get through four years and is short-changing the taxpayer and his Party. I suppose a Chief Minister of the day could sack that person but it would seriously hamper the Government of the day if, of course, the Government as, clearly, its policy thinks that ten Ministers are necessary to conduct Government business. On the Leader of the Opposition's side, it would be nonsensical because, other than battered pride, Mr Speaker, the practical consequences, when one thinks about it, is for that person effectively to go from doing *some* work to doing *less* work if he were sacked from the front bench to go into the Opposition benches.

1300 It would of course Mr Speaker; allow the promotion of someone else to the front bench or it would allow demotion of someone if we felt that person was not pulling his or her weight. It is how it works everywhere else; by excluding backbenchers from our Parliamentary system we do democracy in this jurisdiction a huge disservice.

1305 Mr Speaker, the irony is that many of the recommendations that are made in the Report, which are very worthwhile indeed, relating to the creation of committees, are when one examines them very closely, dependent for their true effectiveness on the enlargement of Parliament and the creation of backbenchers.

In relation to Select Committees, for example, the Report says:

1310 'There has been broad support from the responders for a greater use of Select Committees as a significant and effective measure in raising the profile and significance of Parliament since, without them, Parliament is handicapped in the general running of Parliamentary business.'

We agree, Mr Speaker, with that entirely but the Commission is absolutely right when it says in the preceding paragraph:

1325 'We have considered whether Select Committees should be created and how they should be made up in order to fulfil their task. We question whether Select Committees would be a realistic possibility given that the matters have become so polarised and confrontational in local politics as to make them unworkable in practice. On the other hand, we feel that a greater use of Select Committees could serve to diminish negative perception of local politics.'

1330 It is precisely because members of the Select Committees are subject to Cabinet or Shadow Cabinet collective responsibility and would bring no independence to bear on the process that it is adversarial and, by and large, it does not work. If we enlarge Parliament and we have backbenchers leading on these

1335 Select Committees, I believe that a completely different attitude would ensue. The same applies to the Public Bills Committee in Section 2.7 of the Report. I doubt very much whether these committees will be as effective as they could be, without backbenchers. The crux of the problem can clearly be seen in the way the Report treats the issue of Standing Committees and the Public Accounts Committee in particular. It says, in the fourth paragraph, section 2.8 that:

1340 'We are of the view that the 1980-84 Public Accounts Committee proved ineffective, impractical and unworkable, particularly because Ministers were expected to scrutinise and question senior executives of their ministerial colleagues' department. If a Public Accounts Committee were to be set up, it would be essential for Government backbenchers to take the place of Ministers. We have concluded that there is no need to establish a General Purpose Standing Committee nor a Public Accounts Committee given that Opposition Members have every opportunity to examine Government expenditure in detail as well as debating the report from the Principal Auditor on the Government Accounts for every financial year.'

1345 In my view, that conflates desirability and necessity with workability under the current system. Of course, it is not workable under the current system of frontbenchers on both sides of the House but the question is whether it is desirable or necessary in a mature democracy and the answer, in our view, is yes, there ought to be some mechanism where Members of Parliament can hold Ministers and Departments to account in 'nitty gritty' terms, much more so than would be appropriate in a normally structured and normally operated Question Time. And it should not just be once a year in the Committee Stage of the Budget that the Opposition Members are given the opportunity to examine Government expenditure, as the Report says. We believe that there is room for at least one Standing Committee of Parliament to serve that role but backbenchers again, in our respectful view, would be essential.

1355 Mr Speaker, of course the devil is in the detail and the issue of enlargement of Parliament necessitates consideration of the means by which we are going to elect Members of that enlarged Parliament. I believe that the answer is very simple; all we need to do is to increase the number of people on a slate at election time from ten to fifteen per party. That would give you more possible variations than the current slate of ten will give you because of the larger numbers, but within predictable parameters. At the moment, you have a ten/seven difference across the floor of the House, or a nine/eight difference. With slates of fifteen, you would have a fifteen/ten a thirteen/twelve or a fourteen/eleven difference.

1360 It may even afford greater opportunity for independents or leaders of third parties to break the block vote because with those slightly increased variables, people may be more likely and inclined to break their block vote to vote for one person outside the block if, for example, they know that their preferred party would still be elected in Government with a majority of fourteen/eleven if sufficient people did likewise.

1365 Mr Speaker, I refer to the words of a member of the Commission, the Hon. Fabian Vinet during the debate on the 2011 motion, when he said:

1370 'As far as backbenchers are concerned, Mr Speaker, their presence can only improve the quality and diversity of opinion in debate. I do not see any reason why a change to fifteen candidates cannot quickly percolate into the minds of the electorate, in the same way as I do not recall any difficulty in the change from eight to ten candidates percolating into the minds of the same electorate as the result of the new Constitution.'

1375 I believe he was absolutely right to make that point during that debate and I adopt those words to make precisely the same point today.

1380 Indeed, I note that the Commission recommends that the consideration of technological advances in relation to the counting of votes should be explored. I cannot imagine that an increase from ten to fifteen votes per person would add any expense or time to the process in the light of modern technological advances. Mr Speaker, the Report says that a majority of twenty-two individuals and one organisation that participated in the process did not agree with enlargement. I note that the Report says that not all responders responded on all the issues. For that reason, and because I do not know how many supported or opposed the idea, I cannot quantify the term 'majority of responders' when, at paragraph 2.17, the Commission says that:

1385 'The majority of responders are also opposed to any increase in the size of the Parliament as the electorate is well served by seventeen elected Members.'

1390 We certainly do not agree that the electorate is well served by seventeen Members, for the reasons that I have articulated. But it is also noteworthy that the GSD and the PDP were, at the last election, both committed to an enlargement of Parliament in our respective Manifestos and over 50% of the electorate voted for those Manifestos. People in General Elections vote for very different reasons and on many issues and I am not suggesting that everyone who voted for both parties were in favour of enlargement but neither do I believe that a consultation exercise, where only twenty-two people commented on enlargement, is determinative of the views of the community on the issue, particularly when the arguments have not been fully articulated. Indeed, I note that in Section 15 of the consultation document

– not the Report – three out of four paragraphs of the section on constituencies and Members of Parliament are on constituencies and only one on the issue of backbenchers.

1400 We believe that, bearing in mind the importance of enlargement to this side of the House and to the parties representing over half of the electorate, that it should have been considered as a separate issue, separate from the question of constituencies or wards and that the main arguments should have been canvassed, if we are to rely on the views of responders as representing the views of the general public on this issue. Clearly, we believe we cannot.

1405 Mr Speaker, the Report, not the consultation paper, also says that:

‘...additional expenditure is unwarranted.’

1410 We do not believe that it is unwarranted or that the expenditure needs to be particularly onerous. My Hon. and Learned Friend Mr Caruana, during the 2011 motion, made it clear that we were proposing that a scale of pay in relation to backbenchers should be introduced that was less than for frontbench spokesmen on the Opposition side.

1415 Much may depend on the role they play within committees because, if somebody is clearly performing a role and giving of their time on Select Committees, they ought to, or it justifies, paying more than somebody who is just simply being a backbencher without being involved in a committee. But the benefits to democracy in having backbenchers, when balanced against the relatively modest additional expense, makes the decision, in our view, a relatively easy one when carefully considered and weighed.

1420 Mr Speaker, of course even if we had been elected into Government at the next election we could not force enlargement of Parliament with a parliamentary majority. Constitutionally, it requires a two thirds majority of this House. I note that Mr Licudi, who led for the GSLP / Liberals on the debate on parliamentary reform in 2011, proposed a possible referendum on the issue, on some of the issues that he was then postulating and we were debating in this House. We believe that rather than just simply use their parliamentary votes to block enlargement, the Government should agree to put this issue to the people in a referendum. This is an important enough issue to be put to people and it would be consonant with the views that they expressed on the 2011 motion.

1425 Mr Speaker, I now turn to Question and Answers. We agree partially with Recommendation No. 3 and entirely with Recommendations Nos. 5 and 6. We do not agree with Recommendation No. 4 and we do not agree that each Minister be limited to two hours when, for example, Mr Licudi has a number of portfolios and it would be impossible to do justice to all of them in that time. Our preference, if we *are* to have a time limit, would be to limit the amount of time per portfolio. But the limiting of time on Question Time is not something that, in fact, we are against: it has formed the subject of a motion that Mr Caruana brought in 2011 and it is certainly something that we can live with and agree with that recommendation.

1430 But the reason why I am dealing with this issue is because there are a number of macro points of importance that we would like to make. Mr Speaker, we agree that Questions should avoid long preambles and that they should be short and sharp, to coin a phrase used by Mr Speaker a number of weeks ago, rather than... but, of course, and I think this is recognised by the Leader of the House during his own intervention, it obviously also has to be reciprocated and answers should be short and sharp, rather than have political speeches. We have no problem with the idea that Chief Minister’s Questions should be limited to three hours provided, of course, the Speaker is alert to the fact that lengthy and perhaps irrelevant answers could very easily be used as a device to run the clock down.

1440 I am not suggesting that that is going to form a feature of Question and Answer sessions in the future because I recognise that the Hon. the Leader of the House has, today, during his own intervention said that he is effectively not supporting the idea of having a limited time for Chief Minister’s Question Time. But, Mr Speaker, I want to say something about the comments made in the Report about the relaxation of the rules in recent years and comments made by Mr Speaker during the last session of Questions and Answers, that many people have commented to him that past exchanges in this House have put people off listening to Parliament. If I have paraphrased it wrongly, I apologise but I think that is the gist of the words that were used or what was said.

1450 It is certainly true that there have been exchanges in the past that do no-one any credit at all. I think that where we have failed in the past is that exchanges across the floor of the House have become, in some instances, personalised. I have had references to members of my family, so have others within this House. There have been excesses on both sides of the House and I recognise that. I have to say, however, Mr Speaker, that, on balance, Members of this House are far better behaved than Members of other Parliaments. I often watch reports on Prime Minister’s Question Time, or Questions and Answers in the UK Parliament, and some of the things that I see, Mr Speaker, make us look like veritable Boy Scouts in the disorder stakes, if I can call it that.

1455 Certainly, we on this side of the House feel very strongly that we also have to guard against the other extreme and that is that Question and Answer sessions become a mechanical exercise devoid of any ability by the Opposition to hold the Government to account at a political level. Our role is to hold the

1460 Government to account by, at times, exposing the fact that the Government has mishandled a particular issue or is mistaken about a particular policy. We make no apologies for that, whether it raises tensions in the House or not, as long as it does not become personalised and we respect reasonable standards of good behaviour.

1465 Of course, Questions have to be factual and they cannot be a pretext for debate but you cannot take the politics out of Questions and Answers with constant interventions from the Chair every time supplementary questions are asked on the grounds that temperatures are rising. Otherwise, the rising of temperatures can be used as a simple device by the Government of the day to force us to move on to the next Question. The consequence will be that we will not be able to do the job that we have been elected to do. Nothing, in our respectful view, will do a greater disservice to the Parliamentary process. Indeed, I predict that people will turn away from tuning in to Parliamentary Questions and Answers which, at the end of the day, must be one of the objectives, given that we have agreed to televise the proceedings.

1470 We are all politicians. People may tune in to GBC or read reports in the *Chronicle* to find out, I do not know, about how many trees have been planted in their particular area... and that is fine, that is part of information that may be relevant to parts of this community, or the community. But they are also interested, equally interested, in finding out whether the Government has been able to provide cogent answers to the political issues of the day, the issues that are capable in some instances, yes, of embarrassing the Government or the Opposition if we get it wrong.

1475 Mr Speaker, I was watching BBC television on Sunday morning two weeks ago where there were snippets of questions put to Nick Clegg, the Deputy Prime Minister, by a Conservative backbencher. The question related to a leaflet that Mr Clegg had caused to be published with his photograph, advocating an EU Referendum in 2009. The questioner sarcastically asked whether that photograph was the photograph of the Right Hon. Gentleman, the Deputy Prime Minister, or the photograph of an imposter. He was making a political point. It was an effective political point. It provoked a level of noise in the Chamber and much laughter! No-one said 'The question is improper, or it is going to raise temperatures, or do not make clever remarks.' Mr Speaker, if we take out the ability of Members to make political points of that nature, you run the risk of making Question and Answer sessions into a complete damp squib.

1480 The same applies to the issue of supplementary questions; we cannot always get it collectively right. I include myself in that assessment but there has to be some flexibility in order to allow us to do our job. Our concern with Recommendation No. 3 is that it should not be an excuse to turn Question and Answer sessions into anything other than what it is, a *political* Question and Answer session. I hope that when a point is taken by the Chair about the appropriateness of a supplementary, for whatever reasons, or temperatures do rise, that we are allowed from the floor to explain why *we* believe it was an appropriate supplementary or why we should be allowed to continue with a particular line of questioning. When you are told... because, at the end of the day, Mr Speaker, every time that the Chair takes a particular point about the appropriateness of a supplementary question, what the Chair is effectively doing is taking a Point of Order. It is saying that question is not within Standing Orders.

1490 On a number of occasions Mr Speaker has said: 'That question does not arise from the original Question.' Well, perhaps if we had been allowed to explain why we are asking a particular question we would have said that Standing Orders provides not that the question arises from – the supplementary – arises from, the original Question, but a supplementary question must not include matter *not included* in the original Question. The Chief Minister is absolutely right: it is about relevance to the subject matter of the original Question. Indeed, if we go to *Erskine May* and we look at the admissibility of supplementary questions at Page 305 – 'Oral answers and Supplementary Questions', it says:

1500 'A supplementary question may refer only to the answer out of which it immediately arises.'

1505 Now the point about that is that if a Minister – and I am going to be referring to a particular example at the last session – if a Minister says 'I have not briefed – we have not briefed – the Mayor of La Línea about the Fishing Report', and I have a statement from the Government that, basically, calls into question whether that is correct or is not correct, that is a perfectly valid supplementary question, in our view.

1510 I see that the Hon. the Chief Minister does not agree and that is alright because the point that I am making is that, at the very least, we should be allowed to express *why* the question was admissible in the circumstances. That is the point that I make. And I accept that. Look, there may be different views, I may not get it right *sometimes* but at the very least, that I ought to be allowed to express the reason why I am asking that supplementary question and why *I* believe that the question is admissible, without being told you do not have the floor and without being able to express our views on it. When we are told, Mr Speaker, 'You do not have the floor', we will abide by it but we are entitled to be heard as to where we are going with a particular line of questioning that we may think is actually being quite effective. All that we ask, on this side of the House, is that we are allowed the ability to just simply explain why we think that the question was an appropriate question under the circumstances. That is all.

1520 I hope that the comments I have made are taken in the spirit that they are intended, to be as

constructive as possible in the way that these proceedings are conducted in the future, that allows *us* to do our job effectively, allows the Chair to do his job which, no doubt, he does always to the best of his ability and impartially, and also that the Government does their job in answering Questions.

1525 Mr Speaker, I turn to timetable. The Hon. Lady Mrs Ellul-Hammond will be speaking about  
parliamentary timetable. Over the last six or seven months Question and Answer sessions have been  
spread over a number of days and sometimes weeks. Sessions often start at 3.00 p.m. and this inevitably  
drags Question Time into several days and sometimes several weeks. There should, in our view, and I  
1530 think, in his own intervention, I think that the Chief Minister – he will correct me, if I am wrong, in his  
response – but I detected an acceptance of some of the things that I am going to be saying and certainly  
an acceptance of moving to a situation where we have more predictable timetables for parliamentary  
proceedings. There should, in our view, be a system whereby we know in advance that particular  
Ministers will be asked Questions on a particular day. It is all very well –

1535 **Hon. Chief Minister:** Will the hon. Gentleman give way?

**Hon. D A Feetham:** Yes, of course.

1540 **Hon. Chief Minister:** I am not going to interfere with the way that the hon. Gentleman puts issues in  
this debate and I have kept a note of the things that he has said which I would like to reply to but can I  
just refer him to the fact that there is already a timetable, which is published and I thought, actually, was  
distributed to Members of the Opposition, where we set out which Ministers we believe, subject to the  
vagrancies of how Question Time then develops, are going to be able to answer Questions on a particular  
date and that is actually made publicly available and it is on the website of the Parliament.

1545 I do not know whether I have the impression that this has been published and it is not getting to them  
at a particular time, but the impression I have is that not only is it made available to the general public, it  
is specifically made available to Members opposite and this was an innovation that we introduced when  
we were elected. I just wanted to ask whether he is making this point in the context of that or not.

1550 **Hon. D A Feetham:** Yes, I do not think... I am well aware of the fact that we receive a timetable  
indicating the order in which Ministers will answer Questions. I do not think – that is not the point that I  
make. I do not think it actually works. What we are saying from this side of the House is that there ought  
to be a timetable where, for example, the Chief Minister answers Questions on a Thursday – bar, of  
course, exigencies of his own business – on a Thursday, but then we have a situation where other  
1555 Ministers are also allocated particular times or particular days in a week so that we know in advance  
when Members opposite will have an opportunity to question Members opposite... because, you see, it is  
all very well to criticise marathon sessions, as the Report does, but Questions and Answers should be  
spread over two days at the most. At the moment, Chief Minister's Questions is on the Thursday: it may  
not be possible to adhere to that timetable, as I have said, every month because of Ministerial demands,  
1560 but some system of advanced notice should be agreed. They can plan their personal and ministerial  
diaries around their timetable because they know when they have to answer Questions or when Bills will  
be debated but we do not.

1565 My diary is entirely organised around my political commitments – my own diary – but I also have  
professional commitments, that is the reality of our Parliamentary system. I know that the hon. Member  
will say to me that *they* never had notice of when Bills were debated or Questions answered when they  
were on our side of the House. It is a perfectly valid point but, of course, we have now moved on to  
monthly meetings, where meetings are being adjourned after just two hours and dragged on for four  
weeks sometimes, so it is not that we are dealing with Questions on one week – Question and Answers  
one week – we are sometimes dealing with Questions and Answers over two and – it has happened in the  
1570 past – three weeks.

1575 It is simply not possible for Members on this side of the House to plan their diaries around Parliament  
at the present moment and I give the House this commitment that, if we were elected into Government, if  
I became Chief Minister and he is not prepared to do it, we would move to introduce a system of fixed  
dates for Question and Answers, with advanced warning of if those dates are likely to vary, and that will  
be included in our Manifesto in 2015. In other words, simply because they may not agree to move to a  
system that I am advocating does not mean that we are not going to be moving towards such a system if  
we get elected into Government.

1580 Mr Speaker, finally, I want to say something about a Chief Minister not serving more than two terms.  
I was the first politician to advocate this policy thirteen years ago. I made submissions to the Select  
Committee on Constitutional Reform for the inclusion of that policy in the draft Constitution. Some of  
those who today advocate it opposed it in their own submissions to that very same Select Committee. I  
am glad that it is a policy that has proved popular and that it is being debated but it is a policy, in my  
view, that should have been included in the Constitution and it is not apt to be included in an Act of



1585 Parliament. An Act of Parliament cannot bind a future Government. If we were all to agree to introduce an Act of Parliament tomorrow, it could be repealed in the future. Unless it were included in the Constitution – and that is remote – the issue arises as to how *anyone* could be bound to this policy in the future. It is, therefore, for Parties to decide what policy they may wish to adopt on this issue at any given time. Whilst it is not the policy of my Party, my own position as Party Leader is that if I were ever given the privilege of being elected as Chief Minister in 2015, I would only serve for two terms.

1590 Mr Speaker, finally, I would just like to say this about statements in the House because it is a point that the Hon. the Chief Minister made about... I think what he said was that we had not effectively given... we ‘taunted’ him about the Fishing Report, but of course, it was always his intention to bring it to Parliament at this session of the House. Of course, we did not know that it was his intention to bring it to Parliament at this session of the House! I think what that shows is that perhaps there is a greater need for the Chief Minister and myself, or myself and the Deputy Chief Minister, to discuss these issues outside  
1595 this House. If we had been told that the Hon. the Chief Minister was going to be making it public today, we would not have come out on Monday, asking him to make it public. But of course we did not know that.

Mr Speaker, that is my own intervention on that.

1600 **Mr Speaker:** The hon. Lady. (*Interjection by the Hon. Dr. J J Garcia*) Are you making a formal contribution, or is it a – ?

**Deputy Chief Minister: (Hon. Dr. J J Garcia):** Yes.

1605 **Mr Speaker:** Sorry, I was not aware. Sorry.

**Hon. Dr. J J Garcia:** Mr Speaker, I welcome the opportunity to make a short contribution to the debate, not least because parliamentary reform is an issue that has interested me for many years. I take the opportunity to thank the Chairman, the members and the Secretary of the Commission for their valuable  
1610 work. It would be relevant to start by looking backwards at how we reached where we are today before looking forward into the future. I say this because the procedures of this House over past decades have reflected the level of political emancipation that Gibraltar enjoyed at the time.

1615 Mr Speaker, this Parliament started its days as a debating chamber way back in 1950, when a curious mixture of representatives of the electorate intermingled with the colonial administration of Gibraltar. In those days this Chamber, then a Legislative Council, was presided over by the Governor in full military uniform. The elected representatives of the people of Gibraltar asked questions of the colonial administrators, who were the ones who actually governed. The procedures of this Chamber changed in the late 1950s when the number of elected Members was increased and they came to be associated with the work of Government Departments.

1620 This meant that, instead of questioning the Government – meaning the UK Colonial Government – the elected Members instead questioned each other on the work of the Departments that they were associated with. This experiment was a prelude to full Ministerial responsibility of the Government Departments which came about in the 1964 Constitution. The period from 1950 to 1969 was one of rapid constitutional and political development. It culminated in the creation of the House of Assembly in that year, when the  
1625 City Council and the Legislative Council merged to form one single representative body.

1630 It is important to recall that, in 1975, a committee made up of Members of this House proposed the creation of a committee system of administration based on the Westminster Government and Opposition system, instead of being based on the Westminster system, it was based on the system used until recently in Jersey and in some of the Channel Islands. This was included in the proposals and was made to the then Minister of State at the Foreign and Commonwealth Office, Roy Hattersley, as part of the package of proposals for Political and Constitutional Reform.

1635 The so-called Hattersley Memorandum of 1976 rejected practically everything else that Gibraltar requested and suggested that our Constitution, in future, lay in a direction where we clearly did not want to go. However, the committee system of government was not rejected by the United Kingdom at that time. The next major step, in this narrow institutional context, did not come about until 2007, when the 2006 Constitution was promulgated and this Chamber became the Gibraltar Parliament.

1640 It is relevant to point out, in the context of the debate today, that Standing Orders remained largely unchanged throughout, since the days of the House of Assembly. In January 2009, Mr Speaker – the hon. Member has already alluded to this – the then Government moved a motion in this House to create a Select Committee of Parliament to consider desirable changes to the processes and procedures and the manner in which Parliament carried out its business. This was also supposed to look at the desirability of amendments to the Standing Orders of the House, whether the number of Members should be increased and, if so, in what manner and on what terms this would happen.

The Committee met once, on 23rd April 2009. It did not meet again. The hon. Members then in

1645 Government proposed that it should cease to exist and become a committee of the whole House as a General Election approached in 2011. At that time, it was clear that there were two different routes – the route proposed by the hon. Members and the route proposed by ourselves, the then Opposition and now the Government of Gibraltar.

1650 Mr Speaker, we have been consistent in Government with the road map that we spelt out in Opposition. This was to set up a Commission on Democratic and Parliamentary Reform with fixed timescales. That Commission, as the House knows, was appointed on 2nd March 2012. It was tasked with producing a consultation paper within three months: it met the deadline. It was asked to report to Parliament within twelve months of commencing the consultation process: again, it was well within the deadline. Indeed, the work of the Commission and the fact that we are discussing the Report and its  
1655 recommendations today, is a tribute to the hard work of all those who have been involved in it, in a process which has been brought to its conclusion in just over a year.

Mr Speaker, my hon. Friend the Chief Minister has already outlined the position of the Government in relation to the 39 Recommendations contained in the Report, those that the Government will be supporting and the mechanism through which it is proposed that these could be taken forward. However,  
1660 it is important, nonetheless, to stress that these proposals must be seen in the context of the other reforms to this Parliament that the Government has *already* implemented. These include monthly meetings of the House, except in the usual recess. This alone is a revolutionary change when compared to what existed before. Questions can now be asked in a timely manner when events are still current. The setting up of a parliamentary website, the faster production of *Hansard* and placing it online, making wi-fi available in the Chamber and increasing the resources of Parliament are also reforms which have *already* taken place.  
1665

I have said before that it must be very difficult for new Members, on both sides of the House, to envisage today a Parliament where the production of *Hansard* sometimes took eight months or even a year. *Hansard* is now available and online in a few weeks. This was not always the case. The point, Mr Speaker, is that there has been substantial reform to the way in which our Parliament conducts its  
1670 business already. This has made life easier for the general public, for the media, for the staff and the Members of this House. Indeed, the physical refurbishment of this Chamber, which started life as the Exchange and Commercial Library in 1817, is also an important landmark which has helped this House to move forward with the times through a blend of modern design and traditional features.

In short, Mr Speaker, our actions already and the debate we are having today is proof, in itself, that the Government is serious about parliamentary reform and that it remains serious about it. The concern that was expressed not that long ago in this place, was that the issue was being kicked into the long grass. This has now been shown to be without foundation and now it is up to us, the elected representatives of the people, to take the matter forward.  
1675

1680 Thank you, Mr Speaker.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it is an honour and privilege to address this House on a number of matters which my hon. Friend the Leader of the Opposition has asked me to deal with, mainly matters affecting the internal workings of this House and its Members.

1685 Firstly, of the Commission's Report in the context of the Chief Minister's attendance at Parliament, as dealt with at Paragraph 2.2: the Opposition has no issue with the Recommendation made by the Commission that the practice which has been observed in this House since time immemorial should continue to be the case and that the Chief Minister should remain at liberty to attend Parliament as he sees fit and, of course, in order to answer Questions made of him. This is not a matter of contention for the Opposition.  
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I now turn to Paragraph 2.3 of the Commission's Report and the frequency of meetings and recesses. The first observation we would make in this regard is that there is a certain inconsistency in the observations of the Commission and its second recommendation. I recall, as I am sure all Members will, that there was no Christmas recess last year, which observation is correctly made by the Commission's Report. However, at Recommendation No. 2, the Commission recommends that Parliament should  
1695 continue to have its Christmas and Easter recesses but that the summer recess should last from the end of July to the third week in September.

The Opposition is of the view that, despite what appears to be a Recommendation based on mistaken facts and inconsistent with the Commission's observations, this Parliament should resolve to meet a minimum of nine times a year in order to allow for recesses at Christmas, Easter and summer, effectively accepting and endorsing Recommendation No. 2.  
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Monthly meetings of this Parliament, something which the Opposition during its time on the Government benches supported in its own motion in relation to parliamentary reform, have proved beneficial to the discharge of our responsibilities to this community and in this House.

1705 The fact that the House is now meeting on a monthly basis means that the Opposition has ample opportunity to raise and deal with topical issues at a time when they are relevant, as mentioned by the Hon. the Deputy Chief Minister. The Opposition is equally aware of the potentially negative

1710 consequences of meeting regularly, mainly and most importantly the possibility of overloading the community on politics. The Opposition accepts that ours is a community which thrives on political debate about it, as with most everything else in life – and it is possible to have too much of a good thing. This is never more so than at the annual Budget debate sessions, lengthy sessions during which a full summary and analysis of the political year gone by and the prospect for the future are delivered in what can certainly be described, in the words of the Commission, as ‘marathon sittings’.

1715 Last year, in addition to the Budget debate sittings, the House then met for Questions later that month. The Opposition is collectively of the view that, in the light of the regularity with which Parliament meets and the high volume of political output being produced by both sides currently, the Opposition will limit itself to asking Questions of the Government in the sitting following the Budget debate to matters we assess require urgent attention in the House.

1720 Mr Speaker, I now move on to Recommendation 2.4 of the Commission’s Report. My hon. Friend the Leader of the Opposition has already spoken on this matter, and this is the matter of Questions and Answers. As part of the overhaul of oral Questions and Answers and following on from Recommendation No. 3 to limit Question Time for the Chief Minister to three hours and the Ministers to two hours, we agree on a system of fixed days for sittings of Parliament. However, we suggest for the timetabling of fixed, named days and times in a month, according to the business of Parliament. This certainly helps  
1725 MPs plan their work and personal diaries around Parliament, especially for working mothers like myself who have young children and need to plan or arrange for the collection from school or nursery or for their after-school activities.

We feel that it is becoming a feature of Parliament, over the last six or seven months, that sessions are dragging out over two or three weeks. Members of the Opposition are part-time and are less well prepared to make them full-time, which is not our policy; we have to accept that the reality is that professional business and private and childcare arrangements continue. No tentative timetable should be used as an instrument to keep the Opposition MPs guessing as to when they next need to attend Parliament and thus preventing them from planning their diaries. Indeed, this kind of loose arrangement makes family life difficult to plan at short notice and could certainly discourage single parents from coming into Parliament. We very much welcome the monthly meetings of Parliament. However, because of their increased  
1730 frequency in the year, we urge for consideration to set a known week a month for Parliament business, as it is now but, despite knowledge that our Parliaments sits the third week of the month, the order of Questions, day or times are arbitrarily set, we have found, on a day-to-day basis, making it difficult to plan other MP business or family business, as I have already mentioned.

1735 Presently the third week of the month, which is earmarked for Parliament business and has Thursday afternoon for Chief Minister’s Questions is very welcome. It would also be welcome if, and I suggest this example just to illustrate the point, Mr Speaker, for example, the Minister for Tourism sat every Wednesday between 9.00 and 11.00 in the morning, the Minister for Justice 11.00 – 1.00; the Minister for Housing from 3.00 – 5.00 or for an hour for each portfolio. This is something that can be discussed in the Select Committee. This would also help the Ministers in conducting their own Government business and be able to plan ahead, knowing that a fixed appearance time and timetable exists. We accept that there has to be flexibility for urgent business but, in those cases, it will be easier for all MP’s, including Ministers, to work around a fixed timetable.

1740 On Paragraph 2.5, Motions for Adjournment and 2.6, Statements by the Government, the Opposition accepts Recommendations 7, 8 and 9 and such Recommendations cause the Opposition no issue whatsoever.

1755 Paragraph 2.7 on the Committal of Bills to Select Committees and 2.8 on Standing Committees: the Opposition accepts Recommendation No. 10, sharing the view set out by the Commission that lengthy and more technical Bills, those which are likely to substantially impact on citizens, should undergo in-depth legislative scrutiny by a committee established for that purpose. Mr Speaker, as the Parliament considers all these issues and drives forward the modernisation agenda, it becomes ever clearer that the case for an enlarged Parliament of 25 Members simply cannot be dismissed, as outlined by my hon. Friend the Leader of the Opposition.

1760 I take this opportunity to reiterate the view on this side of the House, that the enlargement of Parliament, in the manner explained by my hon. Friend, Mr Caruana, when he had the privilege of leading this House as Chief Minister and obviously my hon. Friend the Leader of the Opposition today, in the freshly remodelled Parliament Chamber, is critical to the effect of delivery of the modernisation and enhancement of the Parliamentary process in this place.

1765 The increased use of committees, such as the Public Accounts Committee, will provide an opportunity to backbenchers to participate in the legislative process, actively contributing without being required to step into the breach of the front benches. All other arguments in favour of the expansion of this Parliament have been addressed by my hon. Friend the Leader of the Opposition.

Moving on to Paragraph 2.9 on the Deputy Speaker, we too accept this Recommendation No. 11 in the light of the fact that Parliament sits for at least nine times a year, as per the recommendations outlined

1770 in Section 2.2. We understand that, despite the ability of our present and capable Speaker, but because of  
 1775 the increase of work Mr Speaker now undertakes, he should be assisted in his Parliamentary duties by an  
 appropriately qualified person such as a Deputy Speaker. We understand there will be occasions when Mr  
 Speaker will not be available to attend Parliamentary sittings, which will continue on a monthly basis, so  
 the chosen Deputy Speaker is therefore able to sit and preside over Parliament in his place and perform  
 his duties in relation to the role, as with other Parliaments around the world. We believe the Deputy  
 Speaker should also be a non-elected Member, like the Speaker, and appointed by the Parliament by a  
 resolution passed by a simple majority of its Members and presented by the Chief Minister, acting after  
 consultation with the Leader of the Opposition.

1780 On Paragraph 2.10, on the remuneration of Members of Parliament, this side of the House does not  
 quite understand what the issue is and, indeed, what the need for a review is. However, we are open-  
 minded about it. If the need for a review is to examine whether new entrants to Parliament should have  
 different terms in respect of pension rights, we will certainly listen to any arguments in favour of it. We  
 believe that there are pros and cons in respect of changing the system with regard to pensions. We do not  
 think the analogy with the Civil Service reforms is helpful as the MP's pension rights are different to  
 those applicable to the Civil Service.

1785 Changing pension rights to contributory pensions may well be attractive to some people because, at  
 the moment, unless you serve ninety months in this House you do not qualify for a pension. What is  
 more, any reduction in incentives to stand for election by curbing the MPs existing pension rights will  
 discourage individuals further from putting their name forward to serve their country. However, we  
 believe the present system does not reward those who have contributed to public life for less than ninety  
 1790 months, a penalty that Mr Keith Azopardi suffered by a few weeks, despite his service to Gibraltar, and  
 this cannot be right. But as I mentioned at the beginning, we are open-minded about this and will consider  
 any such proposals in this regard in the spirit of constructive dialogue.

1795 With regard to Paragraph 2.11 on the Members Interests and Parliamentary Code, Recommendation  
 No.14 is one that also has our unanimous support, Mr Speaker. Seeing that there has been no review of  
 the Register of Members Interests, first drawn up in 1979, it is certainly time to do so. This enables the  
 updating of the rules plus the introduction of a Parliamentary Code, as recommended in Recommendation  
 No. 15. As with the UK and in light of the expenses scandal of the UK MPs which started in 2009 and  
 which rocked Westminster, the electorate rightly expects an appropriate Code of Conduct for MPs in  
 discharging their parliamentary and public duties. The purpose of declaring interests is to provide  
 1800 information on any financial or non-financial benefit received by an MP which might reasonably be  
 thought by others to influence their actions, speeches or votes in Parliament, or influence their actions  
 taken in their capacity as a Member of Parliament.

1805 With regard to Recommendation No. 15, we believe the drafting of a Parliamentary Code to reflect  
 the Code of Conduct for the UK Members of Parliament, where its purpose is to assist Members in the  
 discharge of their obligations to the House, their constituents and the public at large by (a) providing  
 guidance on the standards of conduct expected of Members in discharging their parliamentary and public  
 duties and, in so doing, (b) providing the openness and accountability necessary to reinforce public  
 confidence in the way in which Members perform those duties. We therefore agree it is essential that  
 1810 suitably qualified persons should be conducting such a review and outlining our Parliamentary Code and  
 we accept that an appropriate independent authority from the UK be commissioned for such a task.  
 However, any Code should be approved by a majority of Members of Parliament or any Select  
 Committee convened for that purpose. In line with making our Parliament more open and relevant to the  
 electorate, we concur that the Register of Members Interests should be made available on the Parliament's  
 website.

1815 With regard to the Ministerial Code we also agree with Recommendation No. 16. A review of the  
 Gibraltar Ministerial Code is long overdue since the enactment of the 1969 Constitution. As per the  
 preamble to this Recommendation in the Report, we believe the Ministerial Code should be brought into  
 line with that applicable to MPs in the UK which sets out the rules and standards for Government  
 Ministers. Such a Code helps preserve the public trust in the institution of Cabinet Government and its  
 1820 principles reassure the electorate that voted them into Government.

The UK's Committee on Standards in Public Life outlines seven principles which we feel should also  
 be applicable to Gibraltar Ministers: (1) Selflessness – Ministers should act entirely in the public interest;  
 (2) Integrity – no financial obligations should be accepted if they could undermine the Minister's  
 1825 position; (3) Objectivity – when making appointments, decisions should be based on merit; (4)  
 Accountability – all public office holders are accountable and should co-operate with all scrutiny  
 procedures; (5) Openness – all decisions should be justified and information should be restricted only  
 when necessary for the public interest; (6) Honesty – public office holders are required by duty to be  
 honest in all their dealings and business, and (7) Leadership – the principles should be supported and  
 upheld by leadership and example. Again, any Code should be approved by a majority of Members of  
 1830 Parliament or any Select Committee convened for that purpose.

Paragraph 2.13 is on the televising of Parliamentary proceedings and as to the Commission's Recommendation 17, this is one of the proposals made in 2011 by my hon. Friend Mr Caruana during his motion to reform and modernise Parliament and its work which read:

1835 "Parliamentary Meetings which are already broadcast on GBC Radio should also be broadcast on GBC television."

Also a motion has already been approved by this House to this effect in February of this year. As a consequence, we are already well on our way to making this a reality. What remains is an agreement across the floor as to the rules governing the televising of proceedings, in terms of 'how and what', as stated by the Hon. the Chief Minister in presenting the motion at the February sitting of Parliament.

1840 The setup is in place and we, as per the many responders to the Commission on Democratic and Political Reform, support this recommendation and as the Hon. the Chief Minister already stated, the Opposition has received yesterday, from the Hon. the Deputy Chief Minister, draft rules based on the Westminster model that need looking into in detail and adjusting for the purpose of any Gibraltar rules and then those draft rules will be adopted by way of another motion, as stated by the Hon. the Chief Minister in February. For the public, the televising of Parliament proceedings again improves access to information, making Parliament more relevant and also improves the accountability of the executive.

1845 On Paragraph 2.14, the news media: Mr Speaker, we are neutral on this Recommendation No. 18. However, we do reject completely the third paragraph of the preamble, as we do not agree with the premise under which it is made.

1850 As to the recommendation, we are happy to receive in Parliament any annual report published by the Media Director on the activities of his or her department in the future but are not sure what this has got to do with parliamentary reform. When Reports are laid in Parliament it is because a statute provides for it to be laid. Presumably, the Government would have to amend the Broadcasting Act if we accept this Recommendation. As I said, we are neutral on this issue apart from the statement alleging corruption.

1855 Moving on to Paragraph 2.15 on Select Committees –

1860 **Hon. Chief Minister:** Can the hon. Lady... could she repeat which paragraph it is she said that she is against?

**Hon. Mrs I M Ellul-Hammond:** It is the third paragraph of the preamble, just before Recommendation 18.

1865 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, is her position that she is suggesting that this is itself suggesting corruption? Is that what she is saying?

1870 **Hon. D A Feetham:** The Opposition's position in relation to that is that it was a totally unnecessary statement: we do not agree with it. It is certainly a statement that has been made that can be interpreted as a statement of impropriety in the funding of newspapers, so we do not support it. That is the position of the Opposition, as I have stated it now.

1875 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman considers that statement was made of the Government as at before the 8th December 2011 because – although, politically, we might read it in that way, if we wished to – it does not identify any potential government. It says government of the day.

1880 **Hon. D A Feetham:** Well, indeed, but you have interpreted it in relation to the funding of a particular newspaper: that is how we interpreted it ourselves. To the extent that we do not know what is going through the minds of those who commissioned this particular Report, to the extent that that is an allegation in relation to improper funding of a particular newspaper, we certainly do not agree with it. Indeed, I could have gone further... I do not want this debate to be marred by this particular issue but I could –

1885 **Mr Speaker:** Would it help if I were to say that the Commission did not receive any representations from any political party other than the PDP. Other than the PDP, all the responders were individuals. They did not represent any organisation and my recollection is that this is a reference to some representation that was received from an individual in respect of this matter.

1890 **Hon. D A Feetham:** I am very grateful to Mr Speaker but, of course, it may be reflective of an opinion expressed by somebody who has contributed his views in relation to this, but the fact that it has worked its way into the Report, obviously has necessitated, certainly on this side of the House, for us to deal with it. Indeed, it has necessitated the Chief Minister dealing with it because the Chief Minister,

1895 when he was dealing with this particular part of it, he referred to the *Seven Days*. What the hon. Lady has limited herself in saying is, look, we cannot support this particular paragraph because of the imputation that is made. Equally, she could have said, in response to the Chief Minister and the comments made by the Chief Minister, well it may be a reference to the *Seven Days*, it may be a reference to the *Panorama* newspaper, which could be also susceptible to the same comment as the Chief Minister made in relation to the *Seven Days*. All we are saying and we do not want to mar this debate in any way, shape or form at all, is that we do not support, effectively, the imputation that is made in that paragraph in whatever direction, if I can put it that way, that imputation is directed.

**Hon. G H Licudi:** Mr Speaker, but this is really quite extraordinary because the hon. Member says he does not want to mar this debate. He goes on to say –

1905 **Mr Speaker:** May I make one thing clear, we are not in committee and the rules of debate apply. Now hon. Members all have an opportunity to make a contribution to this debate but we cannot have any particular Member, not even a Minister, standing up three or four times unless whoever holds the floor gives way.

1910 **Hon. G H Licudi:** Yes, Mr Speaker is absolutely right and therefore I would ask – I am not sure who holds the floor at this stage – the hon. Lady if she would give way and it is, in fact, conducive to good debate to have contributions whilst statements are being made, otherwise it just ends up being statements being read out without any debate. So will the hon. Member give way? (*Hon. Mrs I M Ellul-Hammond agreed to give way*) I am obliged.

1915 What I have said, Mr Speaker, is that the Leader of the Opposition has indicated he does not want to mar this debate and he does not know what was going through the minds of members of the Commission when they set out this particular part of the Report and, in particular, that Paragraph 3. But the hon. Lady has used, in this House, the word ‘corruption’ and that needs to be clarified. What is it that she is implying? Is it she is suggesting that the Commission took the view that there *was* corruption and therefore this Recommendation is necessary to avoid corruption and where does that come from? If that is their view, let them say it.

**Hon. D A Feetham:** Mr Speaker.

1925 **Hon. G H Licudi:** She needs to answer!

**Hon. D A Feetham:** No, I am the Leader of the Opposition.

1930 **Hon. G H Licudi:** No, Mr Speaker, the hon. Lady gave way.

**Hon. D A Feetham:** No, Mr Speaker, this is not... I am the Leader of the Opposition, this is – (*Interjections*)

1935 **Mr Speaker:** I think ....

**Hon. Chief Minister:** May I ask the hon. Member that he seek that the hon. Lady give way to him. That is all that I am going to suggest.

1940 **Hon. G H Licudi:** Well, I had the floor.

**Hon. D A Feetham:** The hon. Lady has indicated to me that she is giving way! (*Laughter*). Therefore, as Leader of the Opposition, I want to explain. Mr Speaker, what the hon. Lady has done is actually alight on a possible interpretation of this particular paragraph. What it says is that

1945 ‘significant public funds have been given to media outlets that have supported the political view of the Government of the day in a manner that may not have been justified’.

1950 Now that is open to interpretation a number of ways, we believe, including an allegation of possible impropriety by the Government of the day. We do not think that that allegation is justified either in, as the Chief Minister pointed out during his own intervention, either in relation to the *Seven Days* or, indeed, to the funding by us and now by the incumbent Government, of the *Panorama* newspaper, which is entirely supportive of Members opposite and not of this Party.

Now the hon. Lady – it is up to her – but the hon. Lady is certainly not going to give way again (*Laughter*) and she is going to continue with her speech. (*Laughter*).

1955 **Hon. Chief Minister:** Ask the hon. Lady if she will read again because I thought I had a note of it but I do not and if she will read again, for the purposes of my reply, the sentence that refers to corruption, just so that I have a note of it for my reply.

1960 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I have already given way. I have been very generous to allow this and I would like to make some progress and just move on to Paragraph 2.15 on Select Committees. As to this section, Mr Speaker, the recommendation to nominate Select Committees, where appropriate, is welcomed by this side of the House, especially with the presence of backbenchers in the House. These arguments have already been covered by the discourse from my hon. Friend the Leader of the Opposition on the enlargement of Parliament and also by comments made by me in Sections 2.7 and 2.8 on Committal of Bills to a Select Committee and Standing Committees.

1965 Mr Speaker moving on to Paragraph 2.16 on Petitions to Parliament: again, in order to make our Parliament more relevant to the electorate and to allow them to engage in debate on issues and policies that are meaningful to the community, this recommendation is welcome. However, the devil is in the detail of how this could be implemented. This system was introduced in the United Kingdom in 2011, whereby a petition on an issue with a minimum of 100,000 signatories is required to be debated in the House of Commons. This does not mean approval of the views of the petitioners. However, it empowers the public, makes them feel included further in the democratic process, where they feel their voice is being heard. In the Scottish Parliament every Wednesday in the Debating Chamber, they have what is called 'time for reflection', where an invited person addresses the Parliament for a few minutes, sharing his or her thoughts on an issue. This type of setup could be considered as an appropriate way for the main mover of the petition to present the issue to the Chamber for further debate.

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We considered what an equivalent or, relative to the UK, minimum number of signatories required for a petition to be debated in Gibraltar was. One hundred thousand petitioners is about 1.4% of the UK's population. A relative figure for Gibraltar would be around 40 petitioners, certainly, we believe far too low a figure to endorse debate within our Parliament. So we believe careful consideration needs to be taken as to the minimum number required. We are very lucky to have a very politically aware and participatory electorate, enfranchised and willing to engage in our political and democratic systems. We are also, as a people, very keen to support each other in raising awareness and in signing petitions for causes. As a consequence, the accumulation of signatories to get an issue debated in Parliament could be a relatively easy task in Gibraltar, so a realistic, but manageable figure needs to be set to enhance public participation that does not abuse any new system that may be set up. We propose a minimum of 1,000 signatories to be collected to make this recommendation a reality. However, this would be a matter for the Select Committee to discuss and to agree on.

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1990 Mr Speaker, Section 2.17 is on constituencies and the number of Members of Parliament and we concur with the majority of the members of the Commission and do not agree with a division of Gibraltar into constituency areas, nor that MPs should be associated with separate precincts, as explained by my hon. Friend the Leader of the Opposition. Thanks to the close community we live in, members of the public have easy access to MPs at a community level and have recourse to Ministers directly through daily appointments. The personal contact with the public exists, the MPs are known to them already. MPs are active and interact via community and charity events and outreach programmes. We are in favour of maintaining the *status quo*, as any move to partitioning Gibraltar into precincts will complicate the simple system of the open door facility that certainly tends to exist with MPs in Gibraltar.

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2000 On the point regarding enlarging Parliament, my hon. Friend Mr Feetham has already given this House our views on the matter.

**Mr Speaker:** We are making –

**Hon. Chief Minister:** Can I invite you to recess the House until 2.00 pm or 2.15 pm?

2005 **Mr Speaker:** 2.15 p.m. Yes, we are making... the House is recessing now to an earlier start this afternoon than usual.

The House will now recess to 2.15 p.m.

*The House adjourned at 12.55 p.m. and resumed its sitting at 2.15 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.15 p.m. – 6.55 p.m.

Gibraltar, Tuesday, 4th June 2013

## The Gibraltar Parliament

*The Parliament resumed its sitting at 2.15 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

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

## Order of the Day

### GOVERNMENT MOTION

#### **Parliamentary and democratic reform Report of the Independent Commission Debate continued**

**Hon. P R Caruana:** Mr Speaker, it is yet another sign of my fall from a great height that I have drawn the short straw of the speaking slot immediately after the luncheon adjournment and I rise to speak for myself, as a backbencher, and as someone who is, as all hon. Members know now, close to the end of his political career and in the hope that my experiences both of the proceedings of this Parliament and, indeed, of General Elections in Gibraltar, may be of some value to those of us all who I think are now doing a good job in this exercise of re-designing and improving the way our Parliament works for the benefit of what might be more than one generation to come.

I think the Government – I think I said it recently – I think the Government is to be congratulated for giving this matter priority and whilst we are slow in this House to recognise each other's achievements, I think on this occasion the hon. Members are indeed entitled to feel a degree – a significant degree – of self-satisfaction at the amount of progress that they have already achieved in the way this Parliament has been working. I think it would be churlish not to recognise that the Parliament is now working in a significantly different and better manner than it has been in the past. And speaking very much as a parliamentarian, I would just take issue with the, I think it was the Hon. the Deputy Chief Minister, who when he was listing the beneficiaries of the Government's steps so far, I think put them in an order, I



cannot remember the first three, but there was the public, the staff and then, fourthly, Members.

Well, I would have put them in the other order: Parliament is primarily about Members of Parliament and although it is right that we should seek to make Parliament more accessible to the public, more of interest to the public, at the end of the day the most important aspect about the way the Parliament works is that the parliamentarians, the Members of it, should be able to do their very important function, whether you are in Government or in Opposition, in the best possible way.

I think it has also been said – and I would just like to associate myself – there have been statements on both sides of the House about this, and I would just like to personally associate myself with them, that this exercise that we are engaged in represents an important further step in our collective journey as a Parliament and as a political class in this community, following on not just from the very seeds of the birth of democratic enfranchisement and self-government of Gibraltar, as the Hon. the Deputy Chief Minister has correctly summarised, but indeed also in terms of how we are going to conduct that exercise in the future. It is an important step. The new Constitution I think created a platform, it finally converted this place into a proper Parliament and, for that reason, I would urge recognising that governments have majorities which it is always legitimate for them to use, but for that reason I would urge both sides of this House to seek as much consensus as possible in this exercise so that the public at large get the sense that we are, together, creating something, not just for this Government and this Opposition, or to the taste of this Government and the taste of this Opposition, but rather for our successors on both sides of the Parliament and, generally, in seeking to improve the architecture of politics in Gibraltar and the Parliament in Gibraltar.

If I could just, Mr Speaker, comment on one of the things that the Chief Minister said, before I express a view on some of the Recommendations. I think the Chief Minister helpfully floated the idea that the members of the Commission should be heard by the Select Committee: I think that is a good idea and I hope it happens. He then said something which I think is not necessary and that is when he said that you, Mr Speaker, will not be able to do it; I do not see that there is a need for that. (*Interjection*)

I will give way, yes.

**Hon. Chief Minister:** I am sorry if that is the impression that I gave, Mr Speaker. What I meant was that you could not do it from your position today and that is why you would do it as the Chairman of the Commission in the meeting with the Select Committee but not from the Chair in which you are sitting today.

**Hon. P R Caruana:** Oh, I see. Because the point that I was going to make – I am grateful to the Hon. the Chief Minister for that clarification, because, of course, we must not lose sight of the fact that the Speaker is constitutionally part of this Parliament as much as he or I. As a part of this Parliament, the Speaker, perhaps not from the Chair whilst he is presiding over the debates across the floor, but in any other part of the parliamentary output methods, I think the Speaker, as a Member of Parliament, is *entitled* to express his views and, indeed, contribute: indeed, not just the Speaker, but the other people who are constitutionally, under Section 25 of our Constitution, also officers of the Parliament.

The hon. Members will recall that, under the new Constitution, the Principal Auditor, the Ombudsman and the Clerk of the Parliament are also, constitutionally, now officers of this Parliament whose experiences and, indeed, needs deserve also to be taken into account and at least listened to before final decisions are made. So I would not discourage the Select Committee from inviting not just the Speaker, in the capacity as Speaker, ignoring the coincidence that he is also the Chairman of the Commission, in the *capacity* of Speaker, there is no reason why the Select Committee should not invite the Speaker to put in his – and the other officers that I have mentioned – to contribute whatever they think they may wish to.

Well, Mr Speaker, as is inevitable in a Report of this kind, it is almost impossible that all the contents will be to anybody's liking and it is inevitable that there will be mixed views on individual recommendations and I am certain, that when the Commission crafted this Report it had no expectation that it should be implemented or accepted in full and, indeed, it is necessarily itself the views only of the majority of the persons that sat on the Commission. In other words, it is itself a compromise amongst the Members of the Commission and therefore it should come as no surprise that there will be, on both sides of this House, differences of view on them.

I think, Mr Speaker, if I could just start, I am not going to speak at length on all thirty odd Recommendations and, indeed, most of them I will not mention at all. There are some that I will mention in slower order. In terms of Recommendation No. 1, I think the Chief Minister said that requiring Parliament to hold a minimum of ten meetings a year and enshrining that in Standing Orders, or in the Act, may raise a constitutional issue. Well, of course, that would require careful analysis and careful thought. I doubt that it would, however. I think the Constitution establishes a minimum and, so long as you do not do something that is inimical to the Constitution you are perfectly entitled, I would have thought, to impose, by legislation, the need for more. I think what the Constitution says there is you cannot have less than three.

**Hon. G H Licudi:** Will the hon. Member give way?

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**Hon. P R Caruana:** I will.

**Hon. G H Licudi:** Mr Speaker, just to clarify that particular point, I have looked at the Gibraltar Constitution Order 2007 in this particular context and sections 37(3) says that

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‘There shall be at *least* three meetings of Parliament... [except in an election year] when there shall be at least two meetings...’

So there would be nothing in conflict with the Constitution if we either had rules or primary legislation which sets out a higher minimum. It would be entirely consistent with the Constitution.

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**Hon. P R Caruana:** I am glad that that view might be taken because having established, as a matter of policy, monthly meetings, if it is found to work I think it is right that it should be enshrined, if possible. In other words, that way we consolidate into the practices of this House, as many as possible of the things that are found to be improvements, regardless of which side of the House they may have emanated from. That would be my personal view of the matter.

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Moving to Recommendation No. 3, as to whether the Chief Minister’s Questions should be guillotined. I think there are arguments on both sides and I think, on balance, I would share the Chief Ministers view that it ought not to be guillotined by time. Of course, the difficulty with guillotine by subject matter is that I am not sure it is true to say that a supplementary has got to relate to the original Question. Supplementaries are also legitimate if they relate to answers given in the answer to the original question or to the immediately previous supplementary. For example, as he knows, Questions to the Prime Minister in the House of Commons have no subject matter. The question is, ‘Will the Prime Minister tell this House what he is doing today by way of official business...’ and, therefore, necessarily, every supplementary does *not* arise either from the original question or, indeed, in his case, not even from the original answer, which is normally that he says, ‘Well, this afternoon... you know, I am meeting the Prime Minister of France...’ The first *real* question is the first supplementary.

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Now, that is a tradition that I do not think we should adopt but certainly I think we need to take care, when we select a guillotine by subject matter, that the guillotine should be correctly defined as relating not just relevance to the original Question, there has to be scope for asking supplementaries arising from the answer, not just arising from the original Question.

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Indeed, the whole purpose of supplementaries is to seek further clarification on the answer given, not a second bite at the cherry of your own original question. So I think it is right that we should not... and I am gladdened that the Government is not minded to impose a time guillotine, but in choosing the alternative guillotine I think that care needs to be taken.

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Recommendation No. 4, which I think goes in consequence, and is another reason why I am glad that the Government is not minded to support Recommendation No. 3 is this business of, well, if you ran out of time to answer Oral Questions then they just get postponed to Written Answer. Of course, that would be terribly dangerous politically because, of course, the Government chooses the order in which they answer Questions. So by stacking all your awkward political Questions at the end, you could *always* help yourself to Written Answers and always avoid the much more difficult political task of defending yourself orally across the floor of this House. I think that would be a serious shortcoming in Recommendation No. 4, which is only relevant to take into consideration I think if Recommendation No. 3 were to prosper.

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Mr Speaker, a very small point in relation to Recommendation No. 7, which is:

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‘...that motions for adjournment should, after giving due notice to the Speaker, also be permitted to be moved at the last sitting in any month if Parliament is not to be adjourned *sine die* at the end of that sitting.’

I think that is a sensible suggestion and the Government agrees with it, which means that it is likely to prosper, but for that purpose it would be important for the Opposition always to know which is the second last sitting, and the Opposition does not always know which is the second last sitting. In other words, if you can only bring a motion on the sitting, but not the one in which it is adjourned *sine die*, then you always need to know that your current sitting is not the sitting for adjournment *sine die*, otherwise you are locked out. So it would require that tweaking with the timetabling to make sure that the Opposition always knew at least what was the second last sitting or rather that every sitting, which sitting was not the last sitting.

135

Mr Speaker, I tend to agree with Recommendation No. 8. I think Oppositions traditionally have made insufficient use of motions, substantive motions and motions on the adjournment and I think that we ought to take heed of suggestions that perhaps better use should be made of motions. I think the Hon. the

140 Leader of the Opposition has expressed understandable frustration about these things always inevitably coming late on a Friday evening, as it was historically. That may not be so now, but that is not a reason, I think, why this important weapon in the armoury of parliamentary debate should fall into disuse and, indeed, we need to make sure that it does not.

145 In terms of Recommendation No. 9, the importance of making statements in Parliament rather than outside of Parliament – I have been trying to look for it but have not found it – I understand that this is not *just* a question of preference: I think that the Speaker in the United Kingdom has made statements about the importance of Ministers making important policy statements in Parliament and not outside of Parliament. At the very least, even if this Recommendation does not prosper, or advantage is taken of the fact that it is stated as a preference to bear it in mind rather than an outright suggestion, at the very least I think, Mr Speaker – and I make this statement not being consciously aware of whether we ever fell into the trap of doing it when we sat on that side of the House: if we did, it still does not invalidate the view – at the very, very, least, I think Governments should avoid making *public* statements about things about which Questions have already been tabled in the space between tabling of the Question and answering of the Question. I think that is abusive. It is abusive of the fact that the Opposition needed to give you notice and because the Opposition needed to give you notice, they are no longer able to take you by surprise in the context of the parliamentary cut and thrust but that should not be a reason why a Government then rushes to answer the Question in a more benign environment of a public statement in the five days between notice of Question and answering in Parliament and I think that that view might be taken, regardless of the view taken on the main suggestion in the Commission's Recommendation.

150 I tend to take a different view on Recommendation No. 10; I think the Commission's view that there ought to be a Public Bills Committee of this House I think *does* deserve some consideration by the Select Committee when it is established and I think the hon. Member may have not so much missed the point as skirted the issue when he spoke this morning in explanation of why the Government was not in favour of this recommendation and focused exclusively on the opportunities that now exist for public consultation. This is not about public consultation; this is about the process to which a Bill is subjected once it is in Parliament and going through the parliamentary legislative process. I think it is good. I think we initiated the practice in Gibraltar of legislative consultation at least on the main items of legislation. I think the Government have taken that one step further and I think that that is laudable, too. But the opportunity for members of the *public* to express the view to the *Government* about a Bill that the Government proposes to bring to the House is not an alternative to this Parliament giving the Bill proper legislative consideration when it does get to the floor of the House.

160 Mr Speaker, the reality of it is this – isn't it? – there may be issues, from time to time, for legislation that are so politically sensitive, – I don't know, the age of consent or things like that – where there is broad political debate within the Cabinet, for example, about it, or amongst the Opposition Members in their regular meetings. But that is the minority. That is the exception, rather than the rule. The reality of it is that most pieces of legislation are technical, long and involved and really only the Minister moving the Bill and perhaps the Opposition spokesman answering the Bill, really get to read it properly and form an informed view of it.

175 So I calculate that, for ninety something per cent of the legislative process in this House, legislation is *probably* being made and, therefore, the quality of it – and the opportunity to improve, which is thereby being missed – reflects the work really of two Members of Parliament out of seventeen, for the vast majority of the legislation. Of course, a greater use of a Public Bills Committee I think would require at least the Committee members to get to the bottom of the Bill and there would be more people that would thereby bring to bear their views and their experience and, indeed, their ability to spot points in the Bill and I think there would be an improvement to the legislative process. It may delay the legislative process and the Government may regard that, in certain circumstances, particularly on EU Directives or things of that sort, a handicap, but perhaps it might be possible to build in a Public Bills Committee system with some sort of timetabling involved so that the Government could build it in to its legislative chronology, in the knowledge that it could not delay the Bill by more than a period of time to be discussed. In short, I think that greater scrutiny of the Bill by more people than presently give it, but fewer than the whole House when we sit in committee, I think would be an instrument for the further improvement of the quality of our legislation.

180 If I could move on to Recommendation No. 11, about the Deputy Speaker, well here I would just like to say a little bit more about that. I personally think it is a good idea. I *used* to subscribe to the view that there might be a constitutional issue. In fact, not only is there not a constitutional issue, but indeed the problem may be more urgent than the Hon. the Chief Minister believes, precisely by virtue of what the Constitution says. Far from... far from... First of all I should say that legislation does not need to *reflect* the Constitution; legislation needs not to be inimical to the Constitution. This Parliament is free to legislate anything that is not inconsistent with... in other words, anything that is not prescribed by higher legislation, which is what the Constitution is... Did I say prescribed? Yes. Now, if you look at the new regime in the Constitution, and the reason why I say it may be more urgent than the hon. Member thinks

is that probably what is now unconstitutional is for a Member of this House to take the Chair during the Speaker's absence.

205 Section 26 of the new Constitution says, first of all, 'The Speaker is now appointed across the floor of the House by a motion of the Chief Minister in consultation...' Then it says:

'No person shall be qualified for appointment as Speaker...'

210 – and this is still old measure –

'No person shall be qualified for appointment as Speaker if  
(a) he is an Elected Member of the Parliament.'

215 In the past there was a provision, *I think*, about a Member of Parliament taking the Chair. That is out. That is not there any more so there is now no provision about a Member taking the place... there is now a provision that says that a Member is not eligible and the sub-section about filling vacancies says that the vacancy can only be filled by someone who is eligible to be appointed Speaker, which is *not* a Member. So, in fact, if there was a vacancy, if the Speaker, God forbid, were to be taken ill today, we would have to suspend this session of Parliament or, otherwise, now, vote to select a new Speaker under the substantive provisions.

220 But, in any event, be that as it may, I do not think that there is any constitutional issue arising from any Bill or Standing Order that might appoint a Deputy Speaker for reason that

225 'The Speaker of the Parliament shall be appointed by the Parliament by resolution passed by a simple majority of its Members and presented by the Chief Minister acting after consultation with the Leader of the Opposition.'

Then subsection 5, which is the 'vacancy' section, says:

230 'If the office of the Speaker is vacant, or if the person holding the office of Speaker is absent from Gibraltar, or is for *any other reason, at any time*, unable to perform the functions of his office, those *functions*'

- so there is now suddenly a distinction between office-holder and carrier-out of functions –

235 '...those *functions* may be performed'

- not office-holder, somebody who may perform the functions of the office-holder,

240 'by such person (being a person qualified for appointment as Speaker) as may from time to time be designated in that behalf by the Parliament upon motion being presented by the Chief Minister acting after consultation with the Leader of the Opposition.'

245 And I believe that that mechanism would allow the Parliament, by motion, to appoint, after consultation between the Chief Minister and the Leader of the Opposition, a person as Deputy Speaker, to carry out the functions of Speaker *only* when the Speaker is vacant, the office is vacant or the Speaker is absent from Gibraltar or is, for any other reason *at any time*, unable to perform the functions of his Office. So if the Speaker says 'Look, Chief Minister or Leader of the House, there is a sitting of Parliament on such and such a day: I am afraid I cannot because I have got a holiday booked, or I am not going to be in Gibraltar or whatever...' a person appointed under this provision by Parliament, in my view, could be a sort of a standing vacancy filler to perform the functions, and we could choose to call it Deputy Speaker, if we want to –

250 **Mr Speaker:** Speaker's Deputy.

255 **Hon. P R Caruana:** – or Speaker's Deputy, but I think there is nothing in the Constitution which prevents you from using the nomenclature of 'Deputy Speaker'. The fact that the Constitution says... (*Interjection*) Yes, alright, but that is very different, (*Laughter*) that has not got colonial overtures. (*Laughter*) Again, the fact that the Constitution says that 'there shall be a Speaker' does not mean that the Constitution does not allow for a Deputy Speaker, or that the Deputy Speaker, so even under the terms of the Constitution there is no reason not to use the term Deputy Speaker. So I think that, if there were a consensus around the House for that, I think that is something that the House could get on with quite quickly if it was minded to.

260 Just moving on, I am anxious not to speak for a disproportionate amount of time in this debate. Yes, Mr Speaker, coming to the point that caused a degree of controversy this morning about the news media. I have to say that when I read this particular section I was surprised that this particular comment was introduced. We have heard this morning that it was a comment by one individual and I think a comment by one individual has been disproportionately highlighted, in a way which is unnecessary for the purposes

of making the recommendation, which is otherwise a perfectly salutary one. I think, in relation to the debate that ensued this morning, I think it really is churlish to suggest that it is not a reference to the *Seven Days* when the very subject matter of the comment that surprised me when I read it, reflects precisely the view that the hon. Members, when they were then in Opposition, were making considerable political hay about, I think is a little bit disingenuous.

Look, whether it suggests politically an allegation of corruption or not, I think is moot and for another place at the end of the day. As I recall the jibes that I used to get from the then Leader of the Opposition on practically every... certainly every Budget time... whether it was ventilated at other times as well I do not now remember, was basically that I was using the public chequebook to write cheques to keep my party political newspaper in funds. I mean, whether the hon. Member takes umbrage at the suggestion that some people might view that as political corruption, I do not know, but it should not surprise them that it is open to that possible interpretation. If it is not political corruption, it is political impropriety. I am not sure there is a great difference between the two in political terms. So, and I think this was a red herring and I would urge the hon. Members that we do not allow the exercise in which we are involved in, to get bogged down in really quite unnecessary side debates about the use of words, 'corruption' or not.

I was the principal victim of the remark, of the political attack, (*Interjections*) and I was surprised to see it in here because, really, there are not more examples of this. In the whole Report, this is the only politically charged comment attributed – I do not doubt that it was said by a contributor – attributed to a contributor, relating to something which was politically controversial and politically charged between both sides of the House. For that reason alone it surprised me because, of course, in relation to other Recommendations, it is possible also to have made politically charged observations.

If I could just leave that commentary to one side and just say something about the Recommendation itself, which I think is a sensible one. Two things, really. First, if there is a preference, I think what should not be the case is that the Government should be unaccountable (*Interjections*) for the money that it pays out, and to who, for advertising or for anything else. I think the first point to record, of course, is that that was not the case. Whenever the Opposition... you know, Question Time is precisely to elicit information, so a distinction has to be drawn between spontaneously available information and information that you only have if you ask for it. But I do not think that anybody could seriously argue that the information was not made available when asked for and, therefore, it is not the case that, in the past... it did not take the implementation of *this* recommendation to make sure that Parliament could find out what newspapers were getting what sum of money. Parliament always found out when asked, when the Government was asked. That the Government and, indeed, the Commission consider that it is more appropriate for the information to be available *without* the Government having to be asked, well, that is a qualitative difference which may, indeed, be an improvement, but it not the distinction between the information being available and not being available in the past.

The other thing that I would say is that I would also be careful, when the Select Committee considers how it might want to implement this Recommendation... is to be careful... Sorry, am I not speaking in the right place? I should stand here, should I? (Clerk: Yes please.) Okay.

Yes, in agreeing to a solution we need to be careful not to mis-characterise the sin or the problem. As it is stated in the recommendation, it says

'Media Director... report on the activities of his department, which should include a detailed statement...'

etc. etc. on the basis that the sin, which is the one that I am complaining about, is that the Government is accused of having given media outlets that have supported the political views of the Government in a manner that may not have been justified.

We just need to be careful about that, that we are not rendering it illegitimate for a Government to advertise in a newspaper, *simply because* it is supportive of the Government. In other words, it is not a disqualification. There may be degrees which the Commission may think abusive, or which others may think abusive, but we cannot accept, and it should not be accepted, if not least, for the reasons that the Leader of the Opposition has said, that it would render, for example, it illegitimate for the *Panorama* or any other newspaper that may emerge or that currently exists, that whilst not being an in-house political publication of a political party, is nevertheless *aligned* in terms of support to a political party. Newspapers are *aligned* –

**Hon. Chief Minister:** Not every day!

**Hon. P R Caruana:** Sorry...

**Hon. Chief Minister:** Not every day!

**Hon. P R Caruana:** Yes. Not every day, well that is true. I am not saying... So this is about degree

and transparency, it is *not* about suggesting that Governments should not be free to advertise in newspapers that are supportive of its position.

330 Well, perhaps I think enough has been said about Standing Orders. I have to say, Mr Speaker, that I just want to associate myself from the back benches, with the remarks made by my leader in relation to the expansion of Parliament. I think that anything that allows people to contribute to the governance of Gibraltar, to political debate in Gibraltar, to the quality of legislation in Gibraltar, in whatever measure they are able to, widens the net of people who are available for political activity and Parliamentary participation and thus enriches the quality of parliamentary activity in Gibraltar.

335 I am not going to repeat the points that I think were so ably articulated by the Hon. the Leader of the Opposition this morning, except to say that, to the extent that the objection appears to be based on cost, it might even be possible to create a tier of enlarged backbenchers for no stipend, or perhaps only for an attendance fee, a small attendance fee on the days that they do attend sittings of Parliament, something which need cost perhaps very little but it would allow people to be Members of Parliament and to stand for being Members of Parliament, without necessarily exercising an option to stand for Ministerial position at that particular stage of their lives.

340 I personally think that that would be a fulfilment of the reason why this was included without dissent in the Gibraltar delegation which, as you know, is cross-party, of parties represented or not represented, in Parliament at the time of putting that particular measure in. For debate – and a difficult one it will be – if what mechanism you use to choose the backbenchers... I am not suggesting that we should lengthen the ballot paper and give people twenty-five votes, instead of eight or ten or anything like that, but there are lots of mechanisms by which a second tier of MP, elected on a different basis and remunerated on a different basis than the original seventeen, could be devised, I would have thought quite easily.

350 I was also a little bit disappointed to hear the Chief Minister not expressing a great enthusiasm – although I am grateful to him for indicating that his mind was open to listen to arguments to the contrary – on the question of the Electoral Commission. I think to sort of pass off the Electoral Commission as a badge of maturity in those countries that have them, I think is understating the function and the purpose of electoral commissions in those countries. I think having an Electoral Commission is a sign both of mature and immature democracies. In immature democracies it is needed to guarantee the integrity of the electoral process: I do not think any of us would argue that that would be the reason why it is needed in Gibraltar but, as he himself pointed out, electoral commissions are part of the electoral architecture even in the most mature democracies – indeed the mother of all democracies, the United Kingdom. And I think the principal reason for that is not simply to ensure that the UK's reputation for a sort of an independent and free democracy is maintained, but also for it to be visibly demonstrable that delicate decisions about new policy, about new suggestions, about rules and regulations and guidance notes, about the conduct of elections, about the resources available for the conduct of elections, should not be seen – demonstrably be seen – to be out of the hands of the executive, outside of the hands of *the Government* that will be a contestant in those elections and in the hands of an independent statutory body, a sort of an independent regulator. It has that qualitative virtue to it, that it separates, just as the hon. Members, in one or two other areas of life, have extolled the virtue of independence – they have extolled the virtue of greater independence to the board of GBC and greater independence to the Gibraltar Regulatory Authority, in areas of life which are much less important than the conduct of elections in a democracy. And therefore, it would not be so odd if the same philosophy were carried forward into the conduct of... In other words... a visible... No-one was suggesting that the GRA was not independent, which is not to say that it did not benefit from being *seen* to be more independent. I think the same philosophy could be applied to the Electoral Commission which would deal with all the things, with many of the things that we have touched on this morning. So it could deal with the electoral role, and the administration of the open lists... it could deal with election accounts and expenses and the monitoring and supervision, and things like that... well all the things that one man is presently doing now could be done by a statutory authority, called the Electoral... the conduct of the election, appeals... if one of the parties wanted to object, or a member or a citizen wanted to petition, this would be done to the Electoral Commission rather than... the whole question of donations, that we have spoken about this morning, indeed the whole question of the introduction of technology, and whether it would enhance or increase the risk of degrading the integrity of the electoral process... That is something that could be viewed at length by a statutory body, an independent statutory body called the Electoral Commission.

380 At the end of the day, we had this issue also with the Public Audit Office and to a certain extent with the judiciary. There comes a time when there are activities which are *independent* of the Government but which are carried out for us here, in effect by Civil Servants which, rightly or wrongly, are seen to be employees of the Government, and I think the integrity of the system depends – and thank goodness we have always had people who have delivered it – on the attitude by the individual officeholder, to act independently even though he is a member of a body called the Civil Service, which is really the administrative arm of the Government itself. I do not think the world will stop spinning on its axis if we do not have an Electoral Commission. I do not think it is a 'die-in-the-ditch' issue, at least it would not be

390 for me, it would not be a ‘die-in-the-ditch’ issue in terms of obtaining consensus for a list of measures, but I think that it deserves some consideration before it is finally abandoned.

In terms, Mr Speaker, of Recommendation No. 22 –

395 ‘We recommend that section 14(2) of the Parliament Act should be revoked and that all election expenses incurred at any time before the date of the poll should be taken into account to arrive at the total amount of election expenses incurred’

– I agree entirely with the assessment made of that Recommendation by the Hon. the Chief Minister. I think it is unworkable. From when do you start? How does it work? How is it policed? It really deals with the same issue as election contributions and perhaps ought to have been put closer together in the Recommendations, in terms of Recommendation No. 25, which is about election donations: there is something that I would like to say on that, too. The Recommendation says:

405 ‘We recommend that every donation over £100 incidental to an election campaign –’

Well, as of when would these contributions need to be declared? Any contributions throughout the four year term of the Party? There are *practical* issues about when a contribution to an election campaign is declarable unless, of course, the rule is going to be that all contributions to political parties, regardless of whether they are in the context of an election, should be so declared because it cannot be so easy to defeat...

**Hon. Chief Minister:** Will you give way?

415 **Hon. P R Caruana:** Yes, go on.

**Hon. Chief Minister:** I am grateful for him giving way. Just if I can explain to him what my approach to it was and see if this finds some favour with the point he is making.

Recommendation 25 and Recommendation 26 I think need to be read together because it talks about being separately declared in the return of election expenses – this question of the donors – and then the question of the definition of election expenses. So the way *we* read it was that, when you have got a definition of ‘election expenses’ and this return, which has to be put in to demonstrate what you have spent, those £3,000 that you are able to spend, then it makes sense because then you are reflecting who has funded those £3,000: who has funded that campaign, in effect. I think that is what the Commission intended, because it includes the words ‘election expenses’ in Recommendation 25 at the end of the last full sentence and then it asks us to come up with the definition in Recommendation 26 of what election expenses are. That is how *I* linked it.

430 **Hon. P R Caruana:** Well, I can tell him now what the answer will be. The answer will be that nobody funded it because it was funded by the Party out of its general reserves. Of course, reserves created by people contributing money to the Party during the three and a half years leading up to the election. In other words, either we want to know who is funding political parties because we think that they might be doing it for ulterior purposes or we do not, but simply to want to know that information in the context of a particular period of time called General Election time, is both illogical and almost impossible to police because the treasury, the Party’s war chests, will simply be filled up during the non-election period and then be available. Then no-one will have funded the General Election campaign!

435 In addition to that practical difference, I think, Mr Speaker, we need to be careful... and of course there are plenty of models around Europe that we could cannibalise, to borrow a phrase that he used in another context this morning, to get ideas for a regime of this sort. But I think, as with everything, we just need to be clear that there are some differences. There are very few places as small as Gibraltar which elects a Government as powerful as the Gibraltar Government and as influential and powerful as seen locally. As far as the outside world is concerned, we are the Government of a place, small physically and small in numbers, but the perception of the people of Gibraltar is that the Government of Gibraltar is a very powerful body indeed – and is a very powerful body. It is not a false perception, it is a real perception in terms of the community that we are.

440 That leads people, rightly or wrongly – and I hope the hon. Members will allow me to make this point without suggesting that I am making it of them, or inviting them to make it of me, when they answer – it is an inescapable reality that, rightly or wrongly, Gibraltarians, or residents of Gibraltar – not Gibraltarians, residents of Gibraltar – will have a reluctance to be seen to have funded a political campaign and then that their side lost. Rightly or wrongly – let us say wrongly, let us say completely without justification –

**Hon. Chief Minister:** They fund both sides!

455 **Hon. P R Caruana:** That is what they usually do, as he knows! (*Laughter*) That is what they usually do, as he well knows, (*Laughter*) but we need just to bear in mind that if we are going to create a regime where we are making people who contribute £100, or even £200, to actually identify themselves publicly, we can do it – and there are countries that do do it – but I think that what will happen is that it will discourage political donations to political parties, except from its diehard supporters, who are already identified and do not care. But a citizen who is just wanting to, for example – just to use it as an example

460 – fund the GSD at the next election will be *less* inclined to do so if he believes that the GSD may not win the next General Election, commensurately will be *more* inclined to do so and be identified, if he is certain that the GSD is going to win the election, and that is defeating the purpose of the exercise, which is that donations should not be for payback gain depending on the result of the election.

465 There is nothing wrong with financially supporting a political party: indeed, the community ought to be encouraged to make politics viable by contributing to political parties. What is wrong is that they should do so with the expectation of dividend collection if they back the right side and it wins. I think that is something that, when we sit in committee or when the House sits in committee, should... but if it does go for such a regime, I would agree with the hon. Member that the figure ought to be higher than £100 and I suspect by a little bit more than just £250. But, anyway, at that point it becomes a detail.

470 Yes, we had an exchange of views, or the Chief Minister expressed his views, on the question of exit polls. Of course, the famous exit poll – the one that is to blame for the fact that it is even in here – had no prospect of affecting the election result because it was announced after the polls had closed. What we should be concerned is not... I mean, if a particular exit poll publisher, not to mention GBC, if a particular exit poll publisher wants to send its viewers up the garden path for a nervous period of six hours between

475 the time of the closure of the poll up to the moment of the announcement of the result, which is all that happened, fine. But it does not affect the result. That is not true of exit polls that are published during the course of the day, which are the ones that the hon. Member must have had in mind when he said what he said.

480 For example, there is nothing to stop a local newspaper, or a local one of these internet news things now, services now, at two o'clock in the afternoon standing outside a poll, asking people how they voted, and then rushing back and putting it online at four o'clock in the afternoon, where it is still capable... I think that that *is* something that the Commission is right to signal should be dealt with. But not only that. If it is right to deal with exit polls because it is something that is unscientifically done, in other words a false statement, it does not *accurately* reflect what it purports to reflect because it is not properly done, if

485 that is the justification, then it is not true *only* of exit polls on polling day, then it is true of normal polls in the run-up to polling day. In other words, I believe that there should be regulation of the way polls must be conducted. Forget exit polls, normal polls should be conducted from the moment that an election is called because, of course, we all know that public opinion can be, in some measure, led and formed by statements, predictions of who is going to win and who is not going to win. A poll which is not properly conducted and suggests that the hon. Members are bound to lose the next General Election by a margin of 15% should rightly be objectionable to them, just as it would be objectionable if it happened to the Opposition party. I believe – and I am not suggesting... I am not, sort of, inventing sliced bread here – there are many Western democracies, particular in continental Europe, where the conduct of polls are, in some countries highly regulated and in other countries, prohibited during the election campaign period. I

490 would urge the Select Committee to at least consider what degree... but I accept also the comment made that the whole area of the regulation of polls, whether they be exit polls or normal polls, is fraught with difficulty and is not simple. I think that the Select Committee, in my view, but should consider that as well.

500 In terms of the technology of voting, which is Recommendation No. 32, Mr Speaker, I will just say that I am not a great fan of it. True, I am a little bit of a reactionary Luddite when it comes to these things, but it would have to be not just something which avoids the hanging chads problem, with which, arguably, the result of an election was affected, but indeed it is important that the results should be verifiable and the moment you introduce technology, confidence is lost in the audit trail, because the audit trail is what appears on the screen when you press the button on the equipment. There is no sense that you

505 can physically recount votes. At the end of the day, you are asking the same machine that made a mistake to check whether it made a mistake or not. Well, I have yet to find a machine that can spot its own mistake in that way. Perhaps they have invented computers now that spot their own mistakes but, probably having made it once, it is likely to repeat it when you ask it to check again.

510 In terms of the change to the counting process physically, I think that one of the charms and one of the, sort of, traditions of our electoral system is the John Mackintosh Hall on polling night. It is part of our democratic heritage, of our democratic tradition. It does not take *so* long. I think most political observers look forward to it – most political participants who are not candidates – look forward to it. Well, alright, not the people who have got to do the hard work, Mr Clerk, as Returning Officer,



515 *(Laughter)* but there is always a demand for tickets... I think it is part of the process of ushering in a new Government or not ushering in a new Government. It only takes a few hours and I would urge the Select Committee and the Government, when it comes to a final vote, just to not introduce unnecessary change at the expense of heritage, at the expense of things that are valuable, and of some value, simply in the name of rushing to the use of technology. Technology has its uses; it also has its dumbing-down consequences, and the balance between the two should not be lost.

520 I agree with – for what it might be worth to him – the views expressed by the Chief Minister on the registration of political parties. In my view, it would be wholly retrograde to register political parties for this purpose, for the purposes stated here, of course. Members of the House, some will be aware and some may not be aware that the system of registration, not political parties, is common place throughout Europe, including the United Kingdom. But the reason why political parties require to be registered are normally for reasons different to the ones that are suggested here. It is not to see that they are democratic, 525 it is not because the state has any interest in whether one particular Party has what degree of internal democracy. This idea that there is some public interest... Look, it is up to the members of the Party to decide how they want to run their Party. The reason why registration of political parties' regimes exists is because of State funding of political parties. In other words, if the State is going to fund a political party, 530 it wants to know... there has got to be some eligibility qualification, there has got to be some means of deciding what is a political party and what is not, otherwise everybody, come election time, would just be sticking their hands out for the State subsidy of elections and political parties. So, if we were introducing a system, which might not be a bad idea, as an alternative to the contributions, if we were introducing a system – I believe the Australians have it, and the Spaniards have it – of State funding of political parties 535 as an alternative – Although, I think in Spain it appears that it runs in parallel, the two systems *(Laughter)* – then that would almost certainly require this.

The other point is this... the other objection to the suggestion is this. How can you have a system where two or more individuals, if they stand together, have to go through a registration process but independents do not? If I stand by election by myself, I am not a political party and it does not matter 540 whether anybody supports me, whether my emblem is obscene – did it not say something about obscene emblems here? – whether I keep proper accounts or whether I do not... but if there are two of us and we call ourselves a political party, then all these things become important to this debate. I do not support it. I think that it is not in our tradition and, certainly, I personally would not vote in favour of a regime of registrations for these alleged reasons, which is not to say that there are not *proper* reasons and *proper* 545 purposes in which you might want registration, but then registration would not be policed by reference to these criteria. There would have to be some more reasonable, less intrusive criteria.

I have said, in terms of Recommendation 34, this is the point at which the Hon. the Chief Minister said that he was not persuaded about the question of an Electoral Commission. The call for an Electoral Commission and having... I am sure, when the Commission recommended the Electoral Commission, 550 they were not impugning or even suggesting an impugning of the integrity of any of our elections in the past and I do not think that would be a sufficient reason not to do it.

I entirely support the referenda Recommendation and I am heartened that the Government will be supporting that.

555 In terms of what I call the 'diaspora vote', which is Recommendations – really they are linked – Recommendation No. 36 and No. 37. No. 36 is the one about whether there should be more than a six month residential period. Well, I personally, if the House will just allow me to express my *personal* view on the matter, I personally believe that it should be greater than three months. If you have been in Gibraltar for three months and happen to be British – **(A Member: Six.)** I beg your pardon, six months – you are not a Gibraltar 'belonger' because you have been in Gibraltar for six months. We had this issue 560 with the referendum on sovereignty and things of that sort. At what point do you draw a difference between the governance of a place and the sort of question that you might ask in a referendum?

I think that, frankly, the voting eligibility should now be much more residence-based and the idea that because you happen to be British that you are regarded as an eligible Gibraltar voter after a very short period of time harps back to the past in a way which I think is no longer, perhaps, appropriate. I think a 565 longer period than three months... how much longer then is for discussion, and to see what such examples there are from other places. The diaspora vote, which is Recommendation No. 37, is a different issue. I know – and I do not want to introduce political considerations into this debate – but I think we need to make sure that, if we are rejecting ideas which are both good and conventional and fair, we should not do so because it suits, or does not suit, a particular side at any given time. There was a time – which may no longer be the case, for all I know – where it was thought that Gibraltarians who lived in Spain were much 570 more likely to be GSD supporters than GSLP supporters and, that for that reason, it was always thought likely that the GSD would change the electoral rules to do it – which we did not do – and that the GSLP would not, for the opposite side, the flip side, of the same coin. I think we should continue to resist the temptation to make the judgement along those lines.

575 I think the diaspora, that is to say Gibraltarians who do not reside in Gibraltar or, rather, the diaspora

in many other countries, votes, as the hon. Members know, not just in the United Kingdom but in Spain and in most continental European countries allow... In the UK I think you get the vote for a fixed period of time for  $x$  years and, after you have left, in some other countries – America and France – I think it is indefinite. But I think in the UK you get to vote for  $x$  number of years after you have moved out of the UK. So I am not arguing for a particular model of diaspora voting but I think the notion that your links to Gibraltar justify your having the right to participate in the election of its Government, go much wider and much deeper than whether you happen to be *residing* in Gibraltar at that time. The idea that a Gibraltar who moves off to work somewhere for three or four years – not a student – is somehow thought by our electoral laws to have broken the links with Gibraltar to a sufficient degree to give him no legitimate stake in the choice of Government in Gibraltar I think, is too strict a view of it. Of course, the difficulty is that we have a very particular problem with diaspora voting in Gibraltar and that is that, in most other countries, people who would benefit from non-resident voting rights have actually left to go somewhere further afield whereas, in Gibraltar, the vast majority of these people may well be people who simply live in Spain but, otherwise have, and they are still regarded as part of the community, politically relevant, perhaps even politically active in the local political scene. That is what I think clouds the judgement in a debate in this place, in a way that it might not be clouded in a similar debate in the US Congress or in the French Parliament or even in the British Parliament.

Whilst taking issue with *some* of the criteria selected by the Commission, I personally, with some modification of those criteria, would have supported, and would support, a carefully thought through and carefully legislated and articulated process of giving a certain defined category of people a vote, even though they do not reside in Gibraltar and I would not necessarily limit it to people who work in Gibraltar. There are circumstances in which I think people who go from Gibraltar to live in France for a year or two, or three, should also retain the right to vote.

The final point, on which I would just like to express a view, is in relation to Recommendation 39. I have been highly complimentary in the past about this Government's decision to prioritise the renewal of this Chamber. I will be less complimentary of a squeezed approach to squeezing more facilities out of the already limited space in the back room. If there was no alternative and that is all that could be done, well, fine: something is better than nothing. But in terms of parliamentary offices, there are several factors that need to be taken into account. Firstly, it is not right that space should be shared between the very people whose independence we have been extolling in the rest of this debate – the Clerk and his staff – that they should have to sit and work and live cheek-by-jowl with Members of Parliament doing constituency work in a sub-divided space of an already limited room, which involves our constituents necessarily coming in here and interacting, perhaps, with members of staff. It is just too cheek-by-jowl and I think that the idea that there should be parliamentary offices is a good one, I think that this Parliament, in physical terms and in quality of work terms and in facilities terms, of which this really is a monument, this first phase, would I think be taken to a very significant additional level if there were proper and dignified offices, not *just* for Members of Parliament but, indeed, for the staff of Parliament, who cannot be said, even with the space that they have, to be working in appropriate conditions. If the space now has to be shared and sub-divided between their uses and a new use then, of course, they will necessarily be reduced into even less appropriate quantitatively and qualitatively, premises.

The obvious solution is one to the unviability perhaps of which I inadvertently contributed when I was in Government, because the *ideal* building is the Guard House. The Guard House, which was an empty Government-owned property – and approximate to Parliament – is the ideal building to have, on different floors, both proper working conditions for the staff of Parliament and for the electoral function when they change hats from Parliamentary staff to electoral staff: and also, on a separate floor, upstairs or downstairs, proper meeting rooms, perhaps even committee rooms for Parliament and proper meeting rooms for MPs. I am sure that the Chief Minister, who has demonstrated some flair for charm and persuasion, would be able to persuade the Gibraltar Heritage Trust to accept some alternative and equally dignified premises, and to release those back to the Government for use as an annexe to the Gibraltar Parliament building, which I am sure they would regard as an important contribution by them to an important part of the heritage of Gibraltar, which is our political process and the facilities available to our Parliament.

I am obliged to the House for indulging me at such length.

**Hon. G H Licudi:** Mr Speaker, this is an important occasion for this Parliament. It represents not just a debate and a discussion on parliamentary reform in general or even just the principles of parliamentary reform, but a debate and specific discussion on specific proposals and recommendations which have been put forward by the Commission.

This is, of course, part of a process that we have embarked on and it is a process, Mr Speaker, that started simply with a conviction – an unrelenting conviction – by the parties which today form Government that it was necessary, not just desirable, but necessary to enhance the quality of democracy in Gibraltar and to enhance the business, the manner, in which this Parliament and this House, as it used

to be, goes about its business.

640 The process started with that conviction, it translated itself into a Manifesto commitment, was clearly Government policy, the Commission was set up, a consultation paper was issued, a Report for Parliament was prepared and I would not say that today is the culmination of that, but today is an important step in that process, which will lead to other steps, as the Chief Minister has already mentioned, which will include further consideration, in detail, with regard to implementation of specific proposals by the Select Committee and then coming back to this House for ratification and actual implementation of the reforms.

645 A reform of this Parliament, Mr Speaker, is not just to be *welcomed* by everyone, it is, in fact, overdue. That is not to say that nothing has happened over the years. The Hon. the Deputy Chief Minister recounted how we have come from a debating Chamber to a Legislative Council to a House of Assembly and then, in 2007, to Parliament and, in particular, with the changes made in the Constitution in 2007, increasing the number of the Members of Parliament to seventeen and some additional changes like the specific office of the Minister for Justice.

650 The fact that there was a need for reform is not just something that was recognised by *this* side of the House or the Parties on this side, it was also recognised some time ago by the Party opposite when they were in Government. Going back to the opening of Parliament in 2007 – I seem to recall it was 8th November 2007 – the then Chief Minister, Mr Caruana, said this:

655 ‘We need to reform and modernise the way this House conducts its business.’

660 That was in November 2007. Then we had a motion, I seem to recall it was in 2011, where we discussed parliamentary reform and a Select Committee but, as I have stated in a different context, it is simply not enough to pay lip service to principles or conviction, it is actions that are required in order to put those principles and those convictions into practice.

665 Back in 2008 in my very first Budget speech, shortly after becoming a Member of Parliament in 2007, I recalled in that Budget contribution the words of the then Chief Minister in November 2007 and I went on to say:

670 ‘Almost seven months down the line no indication has been given as to when those reforms will be put in place or will be started. There is an *urgent* need for that reform. Regular Question Times are required and if the British Prime Minister is required to make time available to attend Parliament and answer Questions every single week, unless Parliament is in recess, there is no reason why *this* Chief Minister should not be required to attend *this* Parliament regularly for the same purpose. Of course, that would mean that topical issues can be raised at any time, at a time when those issues remain topical. I would urge the Government...’

– this is how I ended the quote –

675 ‘I would urge the Government to start that process of reform immediately. We need to make this House a more dynamic and living organism, with the appropriate level of interaction between Government and Opposition and every reasonable opportunity afforded to the Opposition to hold the Government to account while issues are still topical.’

680 That is what I said in 2008: there was an urgent need and we needed to put things in place immediately. That is exactly what *we* did when we came into office in 2011 and although this is a process of parliamentary reform we have already seen, again as the Deputy Chief Minister has remarked, the changes which have been made and which, in fact, have been recognised today, by Mr Caruana, as being changes which have brought into effect a different form of Parliament, and in fact a *better* way of conducting business. In particular, with the result that Members opposite are able to ask Questions and hold Government to account while issues are still topical, as opposed to what happened previously. Those were my views in 2008, they were the views of the GSLP Liberals, they became the views of the Government and that is why we are here today with this particular motion being presented.

690 I do not propose... because the Hon. the Chief Minister has already gone through the whole of the Report, Recommendation by Recommendation, and there are only a couple of Recommendations on which I will have anything to say, Mr Speaker. The first one is in relation to Recommendation 7, which deals with motions on the adjournment. The Chief Minister has already alluded to the fact that Standing Orders provide for motions on the adjournment. The Standing Orders do not mention that it needs to be an adjournment *sine die*: there is a reference in Recommendation 7 to that. The question really is, do we need any modification or any clarity to resolve any ambiguity?

695 The fact is that we now have monthly meetings except, for example, the end of July, when we may adjourn until September, and the intention *must* be – and it is perhaps something the detail needs to be considered by the Select Committee – to see whether there is any need to change the specific Standing Order. But the intention must be that every time there is a meeting of Parliament, one of the monthly meetings, on the adjournment to the following month there should be an opportunity to present a motion on the adjournment. I do not read in Recommendation 7 the reference to ‘the last sitting in a month’ as meaning only the last sitting in any calendar month because, if we are in a sitting, for example in June,

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and we are on 30th June and we are going to extend to 1st July to the final day of that sitting, we do not believe that what we should have is a motion on the adjournment on 30th June and then another motion on the adjournment on 1st July because then we adjourn *sine die* on 1st July. What we should have, and perhaps we just need clarity to avoid ambiguity in the rules, is that at *every* monthly meeting of Parliament there should be one opportunity for a motion on the adjournment and that is a principle which I believe we subscribe to.

Mr Speaker, Recommendation 10 deals with the legislative process and the possibility of Bills which are lengthy and complex having to undergo legislative scrutiny by referring it to a particular committee. A question may arise as to what does 'lengthy and complex' mean and when does that engage? Is it just a number of pages? There may be some potentially... any legislation could be complex, regardless of how lengthy it is, and I am not sure that the hon. Member Mr Caruana, when he mentioned the Chief Minister's contribution, understood exactly what our position is. Mr Caruana said that this is not about public consultation and the fact that there are Command Papers and Bills published for six weeks is not the same as legislative scrutiny. That is correct. But to the extent that there is a period of time, not just the six weeks, but the additional period in which the Command Paper is given, gives not only an opportunity to the public to look at the Bill in a little bit more detail but also gives the opportunity to the Opposition.

The fact that, for new legislation, we have set ourselves the principle of issuing Command Papers for at least two weeks, does not mean that it *has* to be two weeks in every single case. There is a fundamental difference between what happens now and what happened previously. With the regularity of meetings now, if we have a Command Paper stage in which the hon. Members will clearly have an opportunity to look at the Bill and not necessarily comment to the Government at that stage, but certainly to consider any proposed changes that there should be, or any improvement to the Bill. Then there is a six week period. Then we come to Parliament. There is always the opportunity in any particular case for Opposition to suggest to the Government that a particular Bill, even when we get to Committee Stage, should be adjourned to the following month so as to give the opportunity of further scrutiny.

There is even the opportunity of a particular Bill being adjourned not just to a Committee of the Full House but to a particular committee which will look at *that* particular Bill. So we think that there are sufficient safeguards in the process now to make any changes unnecessary. We therefore suggest that the process gives sufficient time and opportunity, particularly because of the monthly meetings and although, as the hon. Member has said, Government will have a timetable and some Bills will be urgent, there will be occasions where there is a need for further time and adjourning a Bill to the following month to allow that further scrutiny to take place.

**Hon. P R Caruana:** Will the hon. Member give way?

**Hon. G H Licudi:** Absolutely.

**Hon. P R Caruana:** Yes, Mr Speaker, the point that I was making was that no-one is suggesting there is not enough time. If a Member of this Parliament is not going to read a Bill in six weeks, to say that he has eight, instead of six, is hardly likely to increase the chances that he will: it is about process. I mean in the United Kingdom... Everything that the hon. Member has said would apply to the United Kingdom legislative process as well, where they do not conclude that the Committee Stage should not be done on a basis like it is being recommended. No-one is suggesting that there is lack of opportunity, and no-one is denying that, whereas the opportunity before was six weeks, now it is eight or more if the Government gives a longer than two week Command Paper publication period. It is about the obligation by which a group of Members of this House, who have been tasked by the rest of it to particularly look at a Bill, that will oblige a greater number of Members to input into the quality of legislation. He will recall that I made the point that, in effect... let us take the example of a Bill with which he was intimately involved on both sides of the House, the Crimes Bill, or the other one, the PACE equivalent.

I mean, who is pretending that anybody other than the Hon. the now Leader of the Opposition and the now the Hon. the Minister for Justice were familiar with the terms of that Bill? So, in a sense, *they* were the House for that, *they* were the House for that and his nine colleagues voted because *he* said it was okay and these guys here voted – we voted – because *he* said it was okay. That is all I am saying, that a committee system... it is not about time or opportunity, it is about obligation, it is about architecture of the way this part... the architecture of the resources of this Parliament for giving legislative scrutiny: which is not to say that legislation in the past has been *bad*, but if we are looking at ways of making this Parliament function more like parliaments in other countries who, presumably, do things for a reason, the speed with which we legislate in Gibraltar is one of the things that characterises our parliamentary tradition in the past. Normally, legislation going through other parliaments tends to take longer and, really, it is only in Gibraltar that you could, with the Opposition's support, get a Bill through in twenty-four hours. You could publish it – before the Constitution, the new one – you could publish a Bill on a Thursday and Friday of next week it could go through all its parliamentary stages and, indeed, the Royal

765 Assent, if you could find the Governor before midnight on Friday. If we are looking at ways of making this Parliament more – I don't know, I don't want to use a word that characterises where we have come from – this would be one,

As I said before, this is not –

770 **Mr Speaker:** It is not for me to contribute to the debate but I might clarify a matter here that, as Chairman of the Commission, I am aware of. The three barristers who were members of the Commission were particularly concerned about Bills which are of a *complex* nature and they thought that, in the informal setup of a Public Bills Committee of the House, where legal draftsmen could be involved in the exchanges, the product that would emerge from Parliament would be – could be – a far better one.

775 **Hon. D A Feetham:** Would you give way? (*Hon. G H Licudi agreed to give way*)

Mr Speaker, thank you very much to the Minister for giving way. Indeed, in relation to the... he may recall that, in relation to the Crimes Bill and the Criminal Procedure and Evidence Bills, each Bill was seven hundred and something clauses, with twenty-four separate parts to it. It took me, I think it was, 780 three and a half hours to go through my speech on the Second Reading on the merits of the Bill. It is impossible for anybody to actually keep attentive on something as technical as those two Bills for three and a half hours unless they are really, really interested in the subject matter of it! So as my Learned and Hon. Friend, Mr Caruana, says, probably the only two people that actually followed the debate was the Hon. Mr Licudi and myself and it is the way – this device – is a way of involving more people in the nitty gritty of the Bills. We have seen actually that even in relation to the Crimes Bill and the Criminal Procedure and Evidence Bill, there have been, because of its size and the fact that even with *my* team 785 looking at it for the amount of time that we looked at it – I think it took something like three years to produce those two Bills – it was impossible to spot everything that might have potentially gone wrong with the Bill. There has been occasion already, where the Hon. the Minister has had to bring amendments – small amendments, but still amendments – to this House in order to amend those Bills. Perhaps that 790 could have been avoided had we had a larger team, cross-Party, looking at both Bills.

**Hon. G H Licudi:** Mr Speaker, the hon. Member is certainly right that, in that debate, the main... I do not recall whether we were the only ones, but the main contributors in that debate were himself, the 795 Leader of the Opposition now, and myself. But that debate was on the Second Reading. It was not at the Committee Stage. That was the Second Reading, which would happen in any event. With a Second Reading involving as many Members of Parliament as want to be involved in that debate on the general principles. That did not involve the specific legislative and in-depth scrutiny that would be involved at Committee Stage. What we then did was adjourn to a Committee of the Full House, as we generally do. There is no reason why, in any particular case, we cannot adjourn to a specific committee set up to look at and scrutinise a particular Bill. 800

Sometimes it is true, there will be – no matter how lengthy or complex the Bill, or how much the scrutiny – things that will be missed and we can improve things by bringing draftsmen in but these particular pieces of legislation that have been referred to, there have been one or two teething problems, there have been one or two issues which have been identified as needing to be improved and those things 805 have only come to light on implementation of the Bill.

All I am saying, Mr Speaker, is that the process that we have had in the past, I certainly do not recall a situation, since I have been in Parliament since 2007, where I have sat there and felt 'Well, we are really rushing through this legislation, we are resulting in a bad law.' I have not had that feeling at all in the time that I have been in Parliament. 810

I might not have agreed with the legislation that has been introduced or was proposed by the then Government and not all legislation that we introduce will be agreed by the hon. Members opposite, but that is different from bringing in a piece of legislation that is essentially good law and implements the policy of the Government, and the hon. Member wants me to give way –

815 **Hon. D A Feetham:** Yes, but can he sincerely say that he has been attentive in relation to every single Bill and that he has not fallen asleep on some of the Bills that have been brought to this House. I mean that is the point that, of course, if something strikes you as being odd occasionally or that is beyond the pale or unconstitutional... but, you see, the problem here is that, on some of these very complex, lengthy Bills, half the House just cannot follow the debate or have not read a Bill – these two Bills were huge, 820 huge Bills – except the hon. Member and myself. The point is to try and include more people in the nitty gritty, the detail of the actual Bills.

**Hon. G H Licudi:** Well, Mr Speaker, I can safely say that I have not fallen asleep once whilst listening to contributions when I was in Opposition, no matter how lengthy the contribution that may 825 have been made by hon. Members.

830 The suggestion seems to be that we need to involve more people, yet it seems to me that the Recommendation is precisely the opposite, to include *less* people because, at the moment, we have a Second Reading where the whole House participate and whether one, two or three Members participate, that is a matter of choice. There is absolutely nothing preventing *all* Members of the Opposition looking in detail at any particular Bill. Why the system would be improved if they all suddenly went into a huddle, into a committee, as opposed to being part of the House in a Second Reading, I am not sure. In any event, at Committee Stage, we have a committee of the whole House: what is suggested is that the numbers should be reduced, rather than there should be greater participation. The system now provides for as much participation as is possible, depending on the choice of individual Members.

835 But there will come a time, I am sure, that there will be specific Bills where, in any particular month and, although the hon. Member says, yes, on occasions we have gone through legislation in a particular day, we go through the First, Second, Third Reading, then we go to Committee Stage if all Members agree, then we go back, or rather we come back, for the Third Reading and we pass legislation in a day. But there will be occasions where it will be possible for that greater scrutiny to happen and for the Bill to be adjourned. It is much easier now, as I have already mentioned, because the House is adjourned generally from month to month and, therefore, adjourning a particular Bill for greater scrutiny to the following month will not be a big difficulty in practice.

840 As I anticipate may well happen, the Bill that the Hon. the Chief Minister mentioned, which I hope to be bringing to the House in the not too distant future, that is the reform of the Companies Act – there will be a Companies Bill which is published as a Command Paper – but even before that, there will be a draft circulated for consultation purposes. As the hon. Member knows, because this was set up during *his* time as Minister for Justice, there is a Company Law Reform Committee of the Finance Centre Council that makes certain proposals and I know that he looked at all those proposals in detail at the time and I have had the benefit of seeing what it was that the hon. Member agreed to or disagreed to. We have acted on those proposals agreeing, by and large, to most of them and when that is ready, hopefully very, very soon indeed, that will be circulated in draft *before* the publication of a Command Paper to that Committee and there is no difficulty at all in making that draft for consultation purposes available to the Opposition.

845 That is the kind of Bill that will be lengthy, that will be complex, that will introduce new concepts into Companies Law in Gibraltar that we have not had and that will require a certain level of scrutiny. I believe that the system we currently have will allow that. If when we come to Parliament and we go through the Second Reading, there is a need for further time, then such further time as may reasonably be required will be given. All I am saying, Mr Speaker, is that we think the process we currently have in place has built into it the necessary safeguards to deal with all these matters.

850 There is only one other matter that I want to mention and that is the issue of Recommendation 37 and who should be entitled to vote. The House will have heard the contributions on both sides in relation to this matter and I simply want to draw attention to the position of students in full-time education. The Chief Minister said, traditionally, students who are in full-time education have always been allowed to vote and there is a very simple reason. We do not believe that students lose their residence simply because they go off to study. They are temporarily absent, albeit for three terms in a year, they are temporarily absent from Gibraltar and therefore they *maintain* their residence in Gibraltar, they *maintain* the right to vote and it is important that they should continue to be included in the electorate and should continue to participate fully in the electoral process in Gibraltar. We do not see that that is going to change or that there is a need to change legislation or the rules in order to achieve that.

855 Thank you Mr Speaker.

860 **Hon. D J Bossino:** Mr Speaker, I will be dealing with Part III of the Report, which is entitled Electoral Reform. The views which I will be giving will set out basically the views of the front bench of the parliamentary team because, having heard the hon. the backbencher, Mr Caruana, a few minutes ago, I must say that there are some points in respect of which, there is some divergence of views.

865 Mr Speaker, this part of the Report is obviously very wide-ranging and encompasses many of the possible issues which can be considered relevant in the context of electoral reform. Certainly, when I think of electoral reform, I think of particularly the voting system and it is interesting – very interesting indeed, Mr Speaker – that this element of the Report has been relegated to the last point in the section when one would have expected – it is my personal view – to have been at the beginning. It is also interesting that there is no formal recommendation box in the electoral system section, although we appreciate that the Commission does, in effect, recommend a retention of the LV, the limited vote system.

870 Many of the points set out in Part III, Mr Speaker, are not, in principle, objectionable. It is clear that the Commission has been making moves towards greater openness in the way, for example, that Parties are run, how they should conduct themselves during an election in terms of election expenses and how to deal with donations to Parties. But it is, indeed, arguable that these are issues which require a debate on their own, at least insofar as the detail is concerned – and I think the hon. Chief Minister has made that precise point – because the devil, in respect of many of these provisions, will invariably be in the detail

890 and this is very much the case in the context of reform of the system of voting. But at least we may be able to move forward today on matters of principle. I would just like to dwell, before I deal with the electoral system *per se*, in greater detail on the question of the enlargement of Parliament, which has been already canvassed by the Leader of the Opposition.

895 We have already stated what our preferred option is: we want to see the enlargement of this House and this is a fundamental point which will permeate and impact, in my view, on many of the other recommendations contained in Part II of the Report. For example, the Public Bills Committee which has already been dealt with, Select Committees, frequency of meetings and, indeed, as already stated by the Leader of the Opposition, none of these initiatives will, in our view, properly work unless there are more Members of the House and that they have a backbench status. The other argument in favour of enlargement is the one which says; well, it allows other people to enter into public life, as already dealt with by Mr Caruana, without necessarily forming part of any of the front bench teams. In many large Parliaments this is, in fact, normally the way it works. You spend some time as a backbencher after you have first won the seat and then make your way up the ladder. Such an avenue also allows people to, using the words in the Government's 2011 motion, 'cut their political teeth in Parliament and front line politics' before committing yourself in a more involved way.

900 There is, therefore, a very powerful case, Mr Speaker, in favour of increasing the seats of this Chamber. If one looks at page 25 of the consultation paper and one does a very crude and basic analysis of the table which is there – of the consultation paper, not of the Report – without considering matters such as the level of sophistication of their politics or, indeed, of their societies or the level of engagement of their peoples in a political light of that particular community or, indeed, the level of their constitutional development, one can see various examples where there are populations, tiny populations some of them, in some instances less than us, and they have more than 17 Members. For example, in the case of the Cook Islands, with 20,000 inhabitants, they have 24 Members of their Parliament – and there are other examples set out in the table.

905 One point which I do not think has been made during the course of this debate and which may have been missed in the past, is the added pressure which *this* particular legislature in Gibraltar has, as a small jurisdiction, because it is tasked with the implementation of many and varied EU legislative initiatives so that the ability to scrutinise many of these legislative initiatives with more time and in greater detail, in the context of a Public Bills Committee, would I think be certainly very welcome indeed and would assist in the workings of this Parliament. In our view, again, this can only be reasonably and more effectively done with more MPs and certainly with more time.

910 If I can deal with the, I think it is the last bit of the, the last section of Part III first which is obviously other than the conclusion which is 3.15, Electoral Systems, first. As stated in the general points that I have referred to, this is a matter which merits very careful scrutiny. We, in the Opposition benches or, indeed, in the Government benches, have not had the benefits of reviewing *all* the recommendations which have been submitted to the Commission. All we have seen, and had the benefit of seeing, are Mr Vasquez's minority report, as set out in the consultation paper, which provides a very interesting – sorry, and the very interesting analysis – set out in the consultation paper, which has not then found its way into the Report, of the various types of electoral systems. We support the continuation of the limited vote system for the election of an enlarged Parliament of 25 but we are willing to consider the introduction of a different voting system. The retention of the LV system is our starting position, as already stated.

915 What are the arguments in favour of the LV system? I am sure they are many and varied, but these are some of them: firstly, I think it is a system which has provided us with stability in Government for a very long time and I suppose the argument is 'if it ain't broke, don't fix it'. Secondly, it may be one of the factors which have contributed to the development of the Party system in Gibraltar, a system which has often been knocked as producing an overly adversarial style of politics: it has also been attacked – I remember the elections in 1988 – for failing to produce the best brains, with the committee system in the Channel Islands being offered as a panacea, when that system itself has been the subject of criticism and change in these same jurisdictions. But now is not the time to list the benefits of the Party system and the contribution which the block vote has already made in that regard, but simply to say this, and that is that our current system gives a very real choice to the electorate between different and sophisticated programmes of Government on which the Parties are judged every four years at election time.

920 Fifteen votes Mr Speaker, *could* open the possibility for independents and third Parties – and both the Chief Minister, the Leader of the Opposition, the Deputy Chief Minister and I, have been in that position in the past, when we have been Members of third Parties – to break in. The theory, Mr Speaker, would be that more people than has hitherto been the case, would use their excess votes in favour of such a Party or an independent. However, and I say that with this caveat, given the way that the block vote phenomenon has been instilled in our electoral system hitherto, there is a view that it is highly unlikely that that will happen, even with an increased number of seats and therefore votes available.

925 Although I have outlined what our starting position is, we do not fear, Mr Speaker, the possibility of opening up for consideration an alternative voting system. The minority report suggests that the issue of

950 electoral reform should not be closed and that we, as a Parliament, should not get that impression and I think that Mr Vasquez, in that regard, is absolutely right. It is something that, if we all share and believe in greater democracy and fairness, should be debated and considered further. Again, I recall my GNP and Liberal pastures for one further moment, Mr Speaker, when during the period 1992-96 we campaigned very strongly for a change in the system of voting because it was precisely that election result, i.e. I think  
 955 it was the January 1992 election result, which brought into sharp focus how it was possible that the GSLP, which had won the greatest number of votes in percentage terms at least, in a very long time – I think it was 72 or 73 per cent – yet could only enjoy eight seats in the House and yet the GSD, at the time with 20 per cent of the votes, enjoyed seven seats on the other side of the House.

960 Mr Speaker, consideration should be given to an alternative voting system in respect *at least* of the balance of seats beyond the 17-Member compliment and perhaps LV for the core 17 Members. That is our preferred; we have already said that LV is our preferred choice. In other words, Mr Speaker, adopting a mixed system in a way that the additional Member system works in elections for the, for example Scottish Parliament, in that context we would have the best of both worlds. We would maintain a strong and steady Party system but give, at least in theory, when we need to test it on the ground, a greater  
 965 chance for third Parties and independents to break through. Although again, perhaps arguing against myself, an interesting analysis of the electoral system in percentage terms, as provided I think it is on the Parliamentary website, if one adopted the system that I have just advocated, would only have resulted in Mr Joe Pitaluga's Independent Democratic Party on 24th March 1988, which brought in the first GSLP administration and, in effect, spelled the end of the AACR hold on power for many years, Mr Speaker, as  
 970 no doubt you will recall, even in those elections, it would have resulted in Mr Pitaluga achieving one seat at 12.4 per cent. I have done an analysis – because I am a geek when it comes to these things – of applying the d'Hondt calculator, which is available online, in respect of all the other following elections and I am afraid that the hon. Dr Garcia would have not won a seat when he stood in 1996 together with the GNP, and certainly not in 1992. *(Laughter)*

975 Mr Speaker, I now very quickly go on to review the specific recommendations set out in Part III of the Report and starting off with Recommendation 21, which deals with the rolling register. This is something which has obviously become... Obviously, it has, in fact, as a matter of fact, become topical: we, as a Party, issued a press release yesterday on the matter, when we are encouraging the Government to do something about this. The Opposition supports – and I note that the... I think that the Chief Minister also  
 980 supports – Recommendation 21 and this must be, Mr Speaker, a very reasonable and sensible Recommendation. This system will allow the flexibility which will be required in order to ensure that we, at any given time, have an up to date Register, thereby improving and ensuring fairness. There are – I was just about to say many people – I do not know how many people scientifically, who no doubt are now eighteen and were not eighteen at the time of the last General Election in 2011, or those people who have  
 985 now become Gibraltarian citizens and reside in Gibraltar –

**Hon. Chief Minister:** Would the hon. Gentleman give way, just on that point?

990 People who have turned eighteen since the last Register was opened or closed and compiled, *are* entitled to vote in this by-election if they have turned eighteen. The issue is that there may be some who were not registered by their parents, or who forgot to register, but there will be a large rump of people – the majority – who have turned eighteen and are now going to be able to vote.

995 He should not allow himself to be led down the path of thinking that people who have turned eighteen are not going to be able to vote in this by-election. It is only those whose parents failed to fill in the form accurately at the time who will not be able to vote in this election, if they were left out of the Register for that reason. That is the position.

**Hon. D A Feetham:** We quite understand what the position is.

1000 I think the point that is being made by my hon. Friend Mr Bossino is that – and I do not want really for the debate to turn on this particular issue now because it is separate and we have issued a communiqué on it – but the point that is being made now is that those people who are eighteen today ought to have, and were excluded, either were excluded from the list by mistake in December 2011, either because their families did not register them or, alternatively, that became of age – eighteen years old – after that date but are eighteen now, ought to be allowed onto the list now. That is the point.

1005 **Hon. Chief Minister:** If he would just give way... I do not want this to become controversial in the context of *this* debate.

1010 People, who have turned eighteen after the date of the last election and after the date that the Register closed, are on the Register and are able to vote if they have turned eighteen. That is the position in law. That is the position in the Register, as it is today. People who could not vote on 8th December 2011, because they were not yet eighteen, have turned eighteen thereafter, will be able to vote in this election as long as whoever was responsible for them, when they were under the age of eighteen, filled in the form



1015 accurately. We are, therefore, dealing with an extremely small number of people because there is an extremely large number of people, who are turning eighteen and are able to vote and are on the Register. Therefore, please, the hon. Gentleman should not think that there is anything in the Register barring people who turned eighteen after the date of the last election from voting in this by-election.

1020 They are on the Register and they are able to vote. There is of course always the possibility that somebody has not been registered, whether they were under eighteen at the last election or whether they were thirty-five at the last election and they missed out on registration in the last Register for whatever reason. That is why we agree that there should be a rolling register. But, the argument that they have both put, if they look at *Hansard* and the way that they have put it, is that there are people who have turned eighteen after the Register was completed who cannot vote. Only those who failed to register, but all those who registered and that is ninety-seven per cent to give you a figure: the rump of those who are turning eighteen after the 8th December 2011 and before 4th July 2013, will vote.

1025 **Hon. D A Feetham:** Mr Speaker, I understood the point the first time that the Hon. the Chief Minister made it.

1030 The point that we are making and it is relevant to this debate, because we are extolling the virtues of a rolling register, is that simply because your parents did not register you in December, just before December 2011, for *that* election, should not deprive somebody who is eighteen today but was not registered *then*, of the ability to vote at this by-election or a future by-election. I mean, I do not know whether I registered – may I say to the Chief Minister – I do not know whether I registered my, at the time, my son Alexander. It may well be that, at the time, I thought, ‘Well, he is only fifteen years of age, why should I register him?’ (*Interjections*)

1035 Please, may I continue...

**Mr Speaker:** Order, order.

**Hon. D A Feetham:** May I continue... may I continue.

1040 Perhaps – I do not know whether I registered it – but there must be some people who thought ‘well why would I register somebody who is under age then?’ But, indeed, look, if there is another by-election – my son is sixteen now – if they were to win this by-election now and there is another by-election prior to the next General Election he may be eighteen, but because I never registered him *then*, then he does not have the right to vote.

1045 We could say it is the fault of the parents for not registering but, at the end of the day, voting is a fundamental human right. It is a fundamental right pertaining to the individual and in the same way as we say that, yes, we agree there ought to be a rolling list which would deal with this particular problem, we also think that, at this particular election, the Register ought to have been open so that those people who, by mistake... I am not suggesting it is the fault of the Government and if the Government does not sit, or the Hon. the Chief Minister does not sit, behind every single parent, has no responsibility to tell every single parent, you have got to sit behind them saying ‘You have got to register your children’. Look, mistakes happen. These things happen and if we are talking about fundamental Human Rights and the right of people to vote, then the Register ought to be opened.

1055 **Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman for giving way again.

1060 Look Mr Speaker, I think the position needs to be understood by the hon. Gentleman. The Register that we are dealing with was compiled when *they* were in Government. The forms that are prepared and which are circulated actually say ‘If your dependent turns of age before *x* date, then you put him on this form’, and *x* date is forward quite considerably – I mean the Clerk knows this better than I do – two or three or four years and actually covers 4th July 2013. So we are genuinely of the view that voting is a human right because you should not be in Parliament unless you think that voting and the franchise is a human right. But the issue that the hon. Gentleman Mr Bossino, who was speaking on the subject, made is a different one and I therefore wanted the House to be assured that the position has not changed, that the Register that *they* compiled is the Register that is current now. Obviously, it is compiled by the Returning Officer, they were in Government at the time.

1065 It is impossible to give a percentage but the numbers of people who are *requesting* that the Register be opened, compared to what the exercise for opening the Register is today, it will not be... because we all agree that we should have an open Register in the future. It will not be... but the exercise of opening the Register today, with the amount of work that needs to be done in the context of a by-election and the time that there is available for it, does not justify that the Register should be opened for these small amount of people that we are talking about, who were not eighteen at the time. Those who have turned eighteen, the vast majority of them are now going to be able to vote, if they turned eighteen between 8th December 2011 and 4th July 2013. It is very easy to talk, in emotive terms, about the ‘right to vote being a human right’ and all the rest of it, but people also have a *responsibility* themselves to register themselves and if

1075 the Register has been properly dealt with, then the Government will defend that in the context of the work that has to be done.

I have always believed in the rolling Register and when we introduce it, these problems go away and that is why it is our policy.

1080 **Mr Speaker:** I really –

**Hon. Chief Minister:** Sorry, may I just say that I note that the communiqué that they have issued is in fairly belligerent terms and not conducive to the sort of politics that we are enjoying at least today in this House, so I am not going to stray into answering *that* here but will do so in another place.

1085 **Mr Speaker:** I really think the Hon. Mr Damon Bossino should be allowed to conclude his contribution.

1090 **Hon. D J Bossino:** I am grateful, Mr Speaker, and I think if I could just develop the final point that the Hon. Chief Minister has just made, that we really ought to try and make every effort, I think most Members who have spoken on this debate in this House hitherto have said that we ought to make an effort to make this as consensual as possible. In that context, what I would say is that, clearly, I think there is agreement in this House that there ought to be an open – as the Chief Minister puts it, and as the Report puts it – a rolling Register and that, I think, finds agreement on both sides of the House.

1095 But, certainly, just to clarify one point... In fact, as I understand it, I have only briefly looked into it, under section 5 of the Parliament Act 1950 it only allows for publication of the Register every four years, starting from 1st August 2007 so that, for example, if the Chief Minister decides to call an early election or, indeed, the case that we currently face with the by-election, we are basically caught by the position in the Register as it stood in 2011, subject to the point that the Hon. Chief Minister said, if your parents did register you in 2011 as coming of age during the course of the life of the following four years. But there is also – again, I have not looked at this point in any detail – I think there is the possibility for the Minister responsible for elections under that same section, i.e. Section 5, to provide for a supplemental Register which could cure the issue that is now currently the subject of public debate.

1100 But, Mr Speaker, if I could just move on to the following Recommendations and those are, if I could bunch those three recommendations together, Recommendation 22, 23 and 26, which deal with election expenses. I jumped Recommendation 24 and 25 because 26 makes, I think, the very wise recommendation – which we accept – that there ought to be an extensive definition of what ‘election expenses’ amount to. That is certainly something, when I was looking at this from a logical intellectual perspective and legal perspective, I thought that made a lot of sense because, obviously, there is going to be a problem with what is ‘deemed’ an election expense. For example, the banners, the flags and all the other material which was used in both our general meetings recently, would that be caught under that definition? So it is something I think we would need to discuss in quite a lot of detail at the Select Committee which the Chief Minister has suggested he will be establishing.

1105 We would also want to look, in relation specifically to Recommendation 22, at perhaps extending the buffer period of time of one month: that could be a solution to a greater period of time set out in Section 14.2. At the moment it is one month, and if we extended it, say, to six months, it may go some way, Mr Speaker, to addressing the unfair advantage point which is made by the Commission members in its narrative, which is the preamble to that particular Recommendation. One of the technical points which I think we will be making to the Select Committee on this matter is that if any dispute arises as to what amounts to, or does not amount to, an election expense, that there is a procedure set out in the legislation which could allow, maybe, a reference to a judge, or to the Registrar of the Supreme Court or to a Magistrate. We certainly welcome and agree to the setting up of a prescribed form for the election expenses return, which we think would be very useful indeed.

1115 Moving on to Recommendation 24, which deals with the inspection of election expenses, again we agree to that, Mr Speaker, and I concur with the Hon. the Chief Minister entirely. In fact, there is no timeframe, when I looked at this, set out in the statutory provision as to how long those particular documents are allowable for inspection in the House, so it was not clear in my mind why there was that particular *administrative* practice which limited inspection to one day. Again, consideration can be given to providing, within the statutory framework, the provision for challenges and whether these challenges could be made subject to a statutory limitation period, say, for example, the life of a Parliament.

1120 Moving on to Recommendation 25, which deals with donations over £100, again this has been dealt with extensively by the Hon. and Learned Friend Mr Caruana in his contribution. In a place as small as this, Mr Speaker, this particular Recommendation struck me as being one which will herald a major development. But, certainly, coming from a Party which upholds the principle of greater openness and transparency, it is something which we, in principle, welcome. The point has already been made, and I would repeat it, that we could consider increasing the threshold from £100 to, say, £1,000 or something

around about that figure because I assume that it is the public interest consideration behind such disclosure – that it should really bite against corporate donations in particular. I make that recommendation subject to the same source point which is made in the preamble to that particular recommendation, which we obviously support. One should, however, Mr Speaker, take particular care that publication of information of that nature does not make it more difficult for Parties, usually in Opposition, or those Parties which are deemed unlikely to win a General Election – it could be a governing Party – to lose financing because people are less willing to donate to that particular Party. I think that is addressed in the UK, but I could be mistaken, by a system of State financing.

In relation to Recommendations 27, 28 and 29 – I will bunch those three together – which deal with, amongst other things, early absentee voting: that is Recommendation 27. Again, so long as the procedure is safe, fair and subject to scrutiny, we agree with it. Anything which facilitates greater flexibility, with a view to increasing the opportunity for the electorate to cast a vote, will be welcomed from this side of the House. But, again, the devil will be in the detail. We note that the conclusion to investigate the possibility of secure internet voting has not found its way in any of the recommendation boxes in this section but, of course, it would be a technological advancement which would increase the speed within which the votes are counted.

Increasing the time limit, as suggested in Recommendation 28, would undoubtedly lessen the administrative burden of the Returning Officer and his staff and I note that – I have not done the calculation in my mind as to whether it applies, following the Hon. Chief Minister’s intervention this morning – but, certainly, the time period suggested by the Commission in these Recommendations, basically what it does is that the extensions of time between election calling and the date of election and the time... sorry, the period of time between the election calling in respect of the date of the election and the time for presentation of candidates have each been extended by an equal number of nine days. Certainly, interestingly, that would probably allow more time for *postal* votes to get here on time and certainly more time for campaigning.

In relation to Recommendation 30, Mr Speaker, which deals with broadcasting during the election campaign, again, of course, in principle, we support this Recommendation but with this caveat, that the detail on enforcements has to be considered very, very carefully indeed. We need proper safeguards in statute and it is something we can consider further at Select Committee, rather than in this Chamber, whether, in fact, the GRA should be the body responsible for enforcement of this type of activity.

In relation to Recommendation 31, which deals with exit polls, we have no firm view and will probably, by and large, leave matters on the basis of self-regulation, i.e. as they currently are, save perhaps with regards to the prohibition on publication on polling day. It is fair to say that, other than in 2007, the reliability of these polls, which I think are conducted by GBC, has been quite high in the past, although I do take note of the novel point which was made by the Hon. Mr Caruana that perhaps regulations should be considered and applied in respect of opinion polls conducted not only on polling day but also during the course of the election campaign. Certainly, the prohibition on timings of publication has been adhered to in practice. This is a *crucial* prohibition, so as to avoid the influencing of voters on the day of the poll and we are persuaded the case for codification of our laws in respect of at least *that* particular point, given the importance that we attach to it.

Moving on to Recommendation 32, which deals with vote counting, again we support anything which imposes efficiency, or which introduces, rather, efficiency, particularly where – certainly, if our recommendation would find the light of day and support from the other side of the House – there were more Members, and therefore, there were potentially more Members in this House and certainly more candidates, it is something that would need to be looked at very seriously indeed. Of course, again any moves on this particular front would have to be subject to the absolute requirement for reliability and, again, my Learned Friend Mr Caruana made the point, which I was thinking about when I was drafting, when I was reviewing and researching the Report, that there is something in the *ambiente* when we are vote counting at the John Mackintosh Hall, which I would certainly not want this community to lose, if the matter... like, for example, in Spain, I think by ten o’clock, eleven o’clock, we have an election result, which makes matters, I think, rather boring.

In relation to Recommendation 33, which deals with the register of political parties, this is a matter which is regulated, as has already been mentioned in this House, in the UK by statute. It is the Political Parties, Elections and Referendums Act 2000, which tasks there the Electoral Commission with the responsibility for the regulation of Parties. We do not support, however, the wide-ranging nature of the proposal, as set out in the Report in, I think it is Appendix 1, particularly A4, which I think is probably too much of an intrusion. The first point to make in relation to that, Mr Speaker, is again, there isn’t any... this is a matter which we see no pressing need for in Gibraltar. It is not clear what mischief any such legislation would seek to address and the matter was debated extensively by us internally and we thought why should any law or outside body dictate how the leader of any particular Party should be elected, for example. We certainly agree with the point made by Mr Perez – I think he is the Chairman of the GSLP element of the governing Party – in a recent Viewpoint debate, when he said – I think he made

1200 precisely the same point that I just made myself... Really, what he was saying is that political parties should regulate their affairs as they wish. Therefore, we do not agree that with *that* particular paragraph. In fact, I am not sure, Mr Speaker, that the statutory framework in the UK – it is certainly in England and Wales – intervenes in the way that is suggested in this particular Appendix in terms of the running of political parties. I think what they are more interested in is the accounts side and matters of that nature.

1205 There are other elements, discreet elements in the proposal, which we have less difficulty with and see the rationale behind them – for example, that a Party should have its name, logos, filing of accounts and issues like that – but, of course, I also note the backbencher’s position in relation to non-support of this particular Recommendation.

1210 Mr Speaker, if I could swiftly move on to Recommendation 34, which deals with the Electoral Commission: again, this is not an issue in respect of which we have a firm position. What did strike us as odd, when we were analysing this particular narrative, is that there seems to be no case made, on the basis of 3.12 for the setting up of such a body. Indeed, some of the respondents did express the view, which I think carried some favour, certainly on this side of the House, that it was unnecessary to have ‘yet another Commission’, with the inherent unwarranted expenses. But, again, much would have to be debated on the detail of the proposal, although I note the Government’s position in this regard, which is that they will not be supporting the Recommendation, unless it has been persuaded by anything that has been said more forcefully by my Learned and Hon. Friend Mr Caruana.

1215 In relation to Recommendation 35, the holding of referendums – I am conscious that I may not be pronouncing the Latin, or using the Latin correctly – we agree with the Recommendation, although we have no issue with the way that referenda have been conducted in the past which, of course, have been devoid of legislative basis. But, again, it is something that we would want to look very seriously at the detail.

1220 The two final Recommendations that I am dealing with, Mr Speaker, are Recommendations 36 and 37. Number 36 we have already discussed and deals with the residency period requirement. Again, there may be some divergence here, in the sense that, in fact, following my research, I have not been able to find any – and I stand to be corrected – residency requirements in the UK. The UK is obviously a larger nation than us and there are probably merits to having a residency requirement in Gibraltar. There are residency requirements in relation to Commonwealth citizens but British citizens, apparently, do not have to reside.

1225 We see no pressing need to extend the residency requirement in Gibraltar. Again, on the basis of the narrative preceding, this particular recommendation box we have not been able to identify a compelling case for extension of the requirement. Reference was made here, in the narrative, to the Commission members being convinced by the ‘strong arguments’. We have not had the benefit of seeing what those strong arguments are and analysing them. At this stage all I can say is that what we have had now is a tried and tested system which has been in place for many years and we would, I think, have to be *persuaded* by a stronger case than that for change. Again, it may be something that the Opposition Members comprising the Select Committee team may be persuaded by any arguments put by the other side.

1230 In relation to Recommendation 37, the diaspora vote which was referred to earlier, again we would actually agree that, or view this as a Recommendation, certainly a Recommendation which is a step forward in the right direction. As I said earlier, in the UK, in fact, there is no – as far as I could see, but, again, I stand to be corrected – no residency requirement but, equally, there is no requirement for permanency of employment, for example. This is an issue which we have been considering internally and, as part of our debates, we have considered whether it is unfair that somebody who has contributed to Gibraltar previously, whether simply at the lowest possible level of having a job, and is now retired, or at a higher level – I can think of one particular example: people who have contributed to Gibraltar’s political life and have been Members of this House and no longer reside in Gibraltar – whether they should have the right to exercise their right to vote and decide the Members of this Parliament in any electoral process.

In fact, in the narrative before the particular Recommendation, the final paragraph says:

1250 ‘We have concluded that the franchise should be extended to registered Gibraltarians who live outside Gibraltar for as long as they continue to keep close ties with, or interest in, Gibraltar.’

1255 Now, that is something I think we need to look at a bit more closely and see whether that sort of Recommendation, conclusion, that principle, can be extended because if you transpose that Recommendation, or that conclusion, into the... or, rather, you compare that particular conclusion with Recommendation 37, it seems to have not found its way in that particular Recommendation because the requirements set out there are much stricter than what the conclusion provides.

I see that there is what I thought was a security lock – but the Chief Minister, perhaps, might have persuaded me that there may not be such an effective security lock – which is the ability to have a... rather, that it is applied to Gibraltarians, those people who enjoy Gibraltarian status. And thinking about

1260 it, I suppose there are people who are British nationals, who have married in Gibraltar, as a result of that  
 marriage enjoy Gibraltarian status and then they divorce but, as I understand it, Gibraltarian status still  
 applies to them wherever they may go. So, in circumstances like that, if you do not have these  
 1265 qualifications, then they may be able to exercise the right to vote and I think that would be unfair. But the  
 point I am making is that there are arguments on both sides but that does *not* mean to say that we should,  
 as a result, slam the door in the face of those people I have mentioned and described earlier, i.e. those  
 people who have contributed to Gibraltar, they have retired and now, for whatever reason, live in Spain or  
 elsewhere.

Mr Speaker, I think I have concluded my contribution.

1270 **Mr Speaker:** We now have a recess of fifteen minutes.

**Hon. Chief Minister:** May I just... I understood that the Hon. Mr Netto wanted to speak and it was  
 certainly my intention to recess after that, in order to prepare the amendment. If I could prevail upon you  
 to allow –

1275 **Mr Speaker:** I understand that the contributions from Mr Netto and Mr Reyes are going to be short.

**Hon. D A Feetham:** Mr Speaker, yes.

1280 **Mr Speaker:** If you prefer, we can conclude their contributions, if there is no other Member of the  
 Government, other than you, to exercise your right to reply, then we have a break and you prepare  
 yourself for that.

1285 **Hon. Chief Minister:** Not so much prepare myself, Mr Speaker, but it may be that we need to have  
 occasion to have a conversation after all the contributions are heard, because we are dealing with this  
 debate in, sort of, a different way to the usual.

**Mr Speaker:** Yes, alright. Right, I call upon the Hon. Edwin Reyes.

1290 *[Technical interruption]*

**Hon. E J Reyes:** Right, Mr Speaker, I shall behave and follow instructions and start again.

I said that I am going to comment briefly upon matters raised at Part IV, where the Commission has  
 rightfully decided to include here other matters that the respondents had raised: the Commission has  
 1295 decided to include four points, two of which carry specific recommendations, and those are  
 Recommendations 38 and 39, but I shall also comment very briefly on the other two points, although  
 there may not be any specific and concrete recommendations.

On the first of these matters, Mr Speaker, on the fixed term of Parliament, the Commission rightly  
 1300 reminds us that, at present, section 37(1) of the Gibraltar Constitution Order 2006 sets the maximum  
 period of time between the dissolution of Parliament and the issue of a writ for a General Election as  
 thirty days *and* the maximum period of time between the issue of a writ and the holding of a General  
 Election as three months. The Recommendation put forward by the Commission says that

1305 ‘We recommend that a maximum period of time between the issue of a writ and the holding of a General Election should be  
 reduced from three months to forty-two days.’

I know the Hon. the Chief Minister already mentioned before that it is not something that he rules out  
 completely for the future, I just want him to know that, from this side of the House, we are not opposed in  
 any shape or form to a Recommendation given by the Commission.

1310 In fact, our feeling, from the general public’s views, is that once the term of office of a Parliament  
 expires after four years, three months on after the thirty days in which notice has been given does look  
 rather undemocratic in this day and age, so reducing that time to forty-two days is certainly something  
 that we tend to believe the general community would welcome. It is their way of perceiving that this  
 Parliament does not prolong its life without a proper mandate and that a caretaker Government does not  
 1315 really exceed and stretch it’s time to the full limits: and if no Parliament sessions are being held it does, in  
 many ways, sound a bit contradictory to the new method of monthly meetings, which both sides of the  
 House have now embraced, and we are sure is something that is going to stay with us for a long time. So  
 in keeping with that regularity of meetings and so on, I would rather see it in the more near future rather  
 than the distant future that the three months be reduced to, say, forty-two days, as the Commission has  
 1320 rightly put in Recommendation No. 38.

Mr Speaker, as well, on point 4.3 the offices for Leaders and Members of the Opposition, I made a

1325 quick note and have to say that I agree with the Chief Minister, not only the Leader and Members of the Opposition but even Members sat on the Government benches. There are times and occasions when there are parliamentary matters... you could even view it as being an all-Party matter and therefore it may be extremely useful that adequate facilities are made available to all Members. I note – and I do not think it is a mistake – I think if I know Mr Speaker correctly, I think he has purposely included the words... the final words of his Recommendation are that

1330 ‘...facilities for the Leader and Members of the Opposition’

– and we are now even extending that to Members of the Government, as well –

‘should be made available *near* the Parliament.’

1335 Yes, Mr Speaker, the backbencher spoke before of the over-crowding of these facilities. Certainly, we know that Mr Speaker has by no means an ideal position, in that he sort of has to toss a coin with the Clerk of the House to see who can attend to private business within the office and the poor Clerk, at times, as I recall having wanted to have a quick word with him in preparation for matters to do with our attendance at the CPA Conference in Sri Lanka and he, being a polite man, said, ‘Yes, but we cannot take over the office or the desk because Mr Speaker may need to attend to some parliamentary business’ and it is un-gentlemanlike not to say – I would even dare to say against the rules – to make Mr Speaker wait outside whilst the Clerk and I have a rather casual conversation trying to make logistical arrangements to attend to parliamentary matters, be it in the wide ambit of the CPA procedure.

1340 So, yes, Mr Speaker, near the Parliament as far as possible would be fine. That would also reinforce what the Hon. the ex-Leader of the Opposition was saying: we can, from there, work as parliamentarians and an example that comes to mind, Mr Speaker, the Minister for Justice is now much, I think in many ways, to be commended, issuing the Command Papers, as an example, before the formal publication of the Bill. Sometimes, the ordinary man in the street wants to talk about those issues with a parliamentarian. As present circumstances stand, the only place where I can get a little bit of privacy is to invite that ordinary voter to come, perhaps to the GSD office, and that person should not be forced to have to come and identify with any one political Party but is rather, as an ordinary citizen, who is entitled to be fairly and democratically represented by Members of Parliament, whatever side of the House, it would be ideal if he had a place here in this building, or *near* the building, as the Commission has said, so that we can actually meet and discuss and then that all it is going to do is help to contribute to a wider variety of opinions when the time comes for proper discussion or the Bill here in this Parliament.

1355 There are, of course, Mr Speaker, occasionally other matters that pop up that one does not necessarily want to make it come under a Party whip. I am thinking of past examples where we had a Private Members’ Bill, where a particular Party had decided to allow a free vote amongst the MPs on his side and, again, that would be ideal if a situation arose where we had some facilities. Also, Mr Speaker, if I take into mind the Chief Minister did announce, at the very beginning of this term of Parliament, that they were working to be as green as possible, to become as paper-less as possible in many things and so on and I have, on occasions, had to come here and seek assistance from the Clerk in helping me find and locate these charts, these statistics, that Government now publishes on its website and I am conscious that I am infringing upon the work of the other ordinary clerks. I know the Clerk is so generous that he says no, but I do feel, at times, that I am there, members of the public come in and he, like a gentleman, says, ‘Well, wait for a minute’, because there is a time and a place for all sorts of business. So any other facilities that is made available, either in the building or as near the building, will help as well in many ways to ensure that the Clerk remains, and even increases, his efficiency in his contributions to help Members on this side of the House, pose their Questions and make sure that we all have as up-to-date information as possible.

1370 Mr Speaker, I take you to point 4.4, where it says about a purpose-built parliamentary building and the final paragraph there says:

1375 ‘We consider that this subject matter is not within our remit but we are conscious of the fact that the present accommodation for the Speaker, the Clerk and staff needs urgent improvement.’

1380 I want to leave you, Mr Speaker, in no doubt that this side of the House – and I already gather that the other side of the House – all feel that you deserve better physical accommodation, whatever possible, and therefore, although there is no specific recommendation either on purpose, because Mr Speaker did not want to appear to be selfish recommending something or whatever, but that goes hand in hand with the facilities that I think should be made available for the Leader and Members on the Opposition side.

Finally, on point 4.5, Mr Speaker, the composition and procedures of statutory bodies. The Commission says that they have considered a suggestion there should be a review of the composition and procedures of statutory bodies, authorities, commissions and Government-related entities to ensure that

1385 these work better and are more responsive to the public and are more independent of Government. I think,  
 Mr Speaker, that in the same way that today we have been able to agree upon many things, I am almost  
 certain that there must be a way forward on this. If I may, with respect, remind the Hon. Chief Minister  
 1390 what he said when he was sat on this side of the House: he said that he continued to believe that it was, or  
 it is, time for the method of appointment to the board – and he was specifically referring to the GBC  
 board, which I am just using as an example – to be changed, and that a more representative system be  
 introduced to ensure that there is no *de facto* ability for any Government to control the corporation's  
 board by the manner of appointment of its members. With that spirit in mind, Mr Speaker, I am sure that,  
 if need be, at Select Committee time we can come together and find a modern way forward, where both  
 1395 sides will be satisfied. One that has been mooted already is that the Leader of the Opposition be allowed  
 to make one nomination to the board and so on. But, again, let us not bog ourselves down in this one  
 today but I want the Chief Minister to bear that one in mind because there is room for discussion and I am  
 sure there is plenty of scope for agreement on that.

And, Mr Speaker, on behalf of if – I may as well with your leave, on behalf of the hon. Lady, who had  
 asked me at one stage whether I would give way to her but she has had to go to attend to a school matter  
 1400 in respect of her younger son, the hon. Lady wished to offer this comment in respect of matter 4.5. The  
 hon. Lady, in her notes has left me, saying that, where necessary, composition of boards and so on should  
 be changed to improve the constitutional checks and balances on governmental power. She believes that  
 this cannot happen without proper representation from members of our diverse community. This means  
 reflecting the composition of Gibraltar society on these statutory bodies, enabling meaningful checks and  
 1405 balances on the Government of *all* Gibraltarians, not of a majority of white, middle-class males. In order  
 to address this balance, she has publicly stated before, and wishes to reinforce, that it would mean  
 actively inviting more women and minority representatives to sit on these bodies. Out of the statutory  
 bodies gazetted so far, only ten per cent of the composition are women, some of whom are the secretaries  
 of the boards, and even less from different ethnic backgrounds. This improvement to composition can  
 1410 be done quite simply with a little more consideration and active positive discrimination when inviting  
 individuals to sit on these statutory bodies. Membership of a statutory body is not through a process of  
 applying for the role, the assessment of applicants and recruitment of the best person for the job, it is  
 simply through an invitation by letter from either the Chief Minister, or the Minister responsible, to join  
 and form part of a statutory body.

1415 And, with that, Mr Speaker, I give way to the Leader of the Opposition.

**Hon. D A Feetham:** Yes, Mr Speaker, I just rise in relation – I am very grateful to the hon.  
 Gentleman Mr Reyes for giving way – I rise to comment on the final sentence of the first paragraph, 4.5,  
 1420 where it says

'Furthermore, the Police Authority and GBC, for example, should have members on those bodies proposed by the Leader of the  
 Opposition.'

I think the Government ought to really give serious consideration to this. It really prevents the kind of  
 1425 exchange that perhaps we have had in relation to GBC. I have no difficulty for example in saying to the  
 hon. Gentleman that I think that some of, *some of* the names that – some I do not know, some of the  
 names that he proposed in relation to the GBC board, for example its Chairman, Albert Mena, are  
 excellent choices and I am sure Mr Mena will be an excellent Chairman of GBC (*Interjection by the Hon.  
 Chief Minister.*)

1430 May I please finish? I will give way if the hon. Gentleman –

**Hon. Chief Minister:** I am grateful, Mr Speaker, because, you see, this debate is about the  
 recommendations in the Parliamentary Reform Commissions Report, not about re-running the issues that  
 1435 we are fighting about in press releases... but I am going to come to the point made by the hon. Gentleman  
 for Mrs Ellul-Hammond. In particular, the hon. Gentleman has issued a press release, saying that one of  
 the disqualifications for another one of the members of that board is that they are a very close friend of  
 mine. He has now alluded to another individual who I have appointed to that board and praised him. I  
 should just like him to know that he, too, is a very close friend of mine.

1440 **Hon. D A Feetham:** Well, Mr Speaker, I am very glad that he is a very close friend of his: he is  
 probably not as close a friend of me.

What I am saying is that, in relation to Mr Albert Mena, he is, he would be... I am sure he will make  
 an excellent Chairman of GBC. The problem that we had, certainly on our side, was not in relation to Mr  
 1445 Albert Mena but in relation to the four names that the hon. Gentleman attempted to introduce to the list  
 that was originally the subject matter of consultation with my predecessor, Mr Caruana.

The point I am making for the purposes of *this* debate is that if the Government were to accept the

1450 view expressed in the Report, which does not find its way into a Recommendation, but it is certainly the  
 1455 view the Police Authority and GBC, for example, should have members on those bodies, proposed by the  
 Leader of the Opposition, it would obviate the kind of exchanges and the kinds of comments that we have  
 seen on the question of the composition and the consultation to the GBC board that we have seen. I urge  
 the Government to give serious consideration to this. I can tell him that, should we find ourselves on that  
 side of the House after the next election, certainly we *will* introduce provisions allowing the Hon. the  
 Leader of the Opposition the power to effectively have positive input into the appointment of at least one  
 member of GBC and also the Police Authority.

**Mr Speaker:** Do I take it that the Hon. Mr Reyes has concluded his contribution?  
 If so, I will call upon Mr Netto.

1460 **Hon. J J Netto:** Mr Speaker, I am grateful for the opportunity of making a contribution to this  
 important subject of parliamentary reform. May I, from the very start, state that what I am about to say is  
 as an individual Member of Parliament and in no way a contribution by the GSD Opposition. Also, I  
 make no apologies for the fact that the subject matter is controversial. I will be addressing *all* Members of  
 Parliament, regardless of party political affiliation, on the question of the recital of the Prayer at the  
 1465 beginning of every parliamentary session and, as I will argue in a minute, why, in my opinion, there is no  
 longer a need to continue with this practice.

But before I do this, I would like to take the opportunity to congratulate the Leader of the Opposition  
 and, indeed, my fellow colleagues in the Opposition benches, in allowing me to speak on this matter of  
 individual conscience, in the same tradition as the previous GSD Leader, the Hon. and Learned Peter  
 Caruana QC did when we were in Government, on sensitive issues of conscience, such as the equalisation  
 1470 of the age of consent for sex at the age of sixteen, even though not all of my colleagues, then or now,  
 agree with my views. These are issues where the GSD Party does not hold individual Members within a  
 three line whip but, rather, allows each and every individual Member to express their own conscience,  
 regardless of Party affiliation, a tradition worth maintaining.

1475 Mr Speaker, the Hon. Chief Minister, in his speech at the first session of Parliament after the  
 refurbishment, did say, *inter alia*, that the new Prayer which is now recited is due, in large measure, to the  
 contribution the late Charles Bruzon made in order to update the language from the previous one and that,  
 in the opinion of the Chief Minister, this would remind him of Charles Bruzon for the great man he was. I  
 would like to say that Mr Charles Bruzon was to me a very good friend, in which I had the honour of  
 1480 sharing many good memories either in Parliament or outside. Indeed, our friendship extended to the many  
 CPA Conferences we both attended together, jointly defending the collective Gibraltar position and rising  
 above party political differences, as is common at such conferences. Also, given that I happen to be one  
 of the longest serving Housing Ministers, often in private I would provide him with some useful advice  
 on how to cope with what is one of the most demanding ministries.

1485 However, that said, among the many good qualities that Charles had, was that he was a true democrat  
 and would accept the principle of anyone raising a contrary point of view to the one he would  
 passionately hold: something that I will do now. Mr Speaker, the recital of the Prayer at the beginning of  
 each parliamentary session probably goes back to the period before the House of Assembly. No doubt,  
 this, like many other things we do in our Parliament, is due to the political evolution in Gibraltar from the  
 1490 British political class, predominantly from the House of Commons. In that political evolution and most  
 specifically in the context of our new Constitution, we have reached a new qualitative stage in our  
 political emancipation that we should, in my opinion, no longer be speaking in Parliament in terms of  
 conducting our proceedings under the cloak of some ancient or religious doctrine.

1495 First of all, when we as parliamentarians get elected into this Chamber we do not exclusively speak on  
 behalf of Roman Catholics *per se*, Anglicans, Presbyterians, Muslims, Jews, Hindus, Jehovah Witnesses,  
 agnostics, or as atheist. We speak on behalf of all the people of Gibraltar, regardless of any religious  
 views or orientations. Therefore, to impose any Prayer on those people who are not religious, or even to  
 those people who are religious but would keep matters of State and Religion separate is, frankly, an  
 undemocratic act. Mr Speaker, our Constitution may not be perfect, although I would say hardly any  
 1500 constitution in the world is, but we have gone a long, long way in showing the world how politically  
 advanced we are in Gibraltar.

In fact, if we look at the various tenets running through our Constitution, whether the fundamental  
 rights and freedoms of the individual, the protection of freedom of conscience and the protection from  
 discrimination on the grounds of race etc., it is implicit that the text and vocabulary therein, the  
 1505 manifestation of a secular framework, which is the only way that we can bind together people of different  
 personal views without offering a preferential treatment to anyone or to one group of people over others.

Living in a secular society and practising secularism in Parliament means adopting the principle of  
 neutrality in a public discourse. Neutrality means just that, neither standing in favour or against religion  
 or any other views. It also means that when we act in a parliamentary session we do so by leaving behind



1510 any private interest. That is, we act in the public interest of all our community. I believe, Mr Speaker, that there should be a clear separation of Church and State and, in particular, the way we run Parliament. To quote Thomas Jefferson, one of the founding Fathers of the American Constitution and the third President of the United States, he said:

1515 'Believing... that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legislative powers of Government reach actions only, & not opinions, I contemplate with sovereign reverence that the act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church & State.'

1520 That was a letter to the Danbury Baptists in 1802.

The wording of the new Prayer, despite its non-denominational basis, still continues to be an affront to the principle of equality that should enshrine the rights of all individuals in our society here represented in our Parliament. There is no need to prefix language of

1525 'counsel, wisdom and understanding'

to an Almighty God. In this political Chamber, the counsel, wisdom and understanding that we need to project collectively is derived from the individual Members of Parliament, regardless of Party membership and from the rules and contribution that we all make in the course of our parliamentary life and from the experience of those parliamentarians that have been here before us.

1530 When the new Prayer says

'We',

1535 as in

'We humbly ask you to guide and assist us in our deliberations and in our work',

1540 this means that Parliament is being converted into a Church public event. In other words, Parliament is being converted into a state itself in prayer, manifest in a commitment to religious beliefs and observance. This, therefore, negates the democratic principle of preserving each and every person's right to freedom of thought, conscience and diversity.

1545 I am not saying that, for those Members of Parliament who *do* wish to have the opportunity of praying before Parliament starts, that they should not have the facility to do so *outside* this Chamber. I am quite content for some room to be made available to them so that, before entering the Chamber, they can ask for guidance to their respective gods, if that is their wish. Just as I think I should not infringe their rights, they, in turn, should not infringe *my* rights either.

1550 Mr Speaker, I suppose that, for those who may wish to sidestep the rationale of my argument, they will say why it has taken me seventeen years of parliamentary life to now raise the issue. In response, I would say that it is for a number of reasons. Already I have alluded to the fact that we do have a new Constitution that is, in my opinion, a much clearer secular one from the one that we had before. Secondly, the fact that we have a new Prayer, and the timing of it, comes at a time in which we are almost simultaneously having a discussion on parliamentary reform. Therefore, it is absolutely right that, at this juncture, I should bring up the matter for discussion. As people know, I am an atheist and I make no apologies for the views I have.

1555 In the light of what I have said, Mr Speaker, I would humbly suggest to the Leader of the House, the Hon. Chief Minister, that, on this matter alone, to provide a free vote, as was the case in the Scottish Parliament, so that each Member of Parliament can express and vote in accordance with their conscience. The Leader of the Opposition has told me that he will not impose a three line whip on this issue, even if he does not support a change of the practice. What I find difficult is to continue to stand whilst a Prayer is recited, knowing that this infringes *my* freedom of conscience and having to acquiesce to a situation in which it negates the principle of equality amongst some Members of the Legislature.

1560 No Member should receive an inferior treatment, as we have all been elected by the people of Gibraltar. I hope hon. Members understand what the issues that I bring to bear for consideration are and that we move forward from a position of respect to everyone.

1565 Thank you.

**Mr Speaker:** May I say, since I am responsible for the Prayer, in the sense that I begin the proceedings of the Parliament with a Prayer, the House I am sure will wish to hear my views on the matter.

1570 When I was a Member of this House at the time of Mr Speaker Vasquez, Mr Speaker Vasquez not only said the Prayer at the beginning of the meeting, but whenever there was a long period because the

1575 House had adjourned from one day to another, a number of days after the event. I gave some thought to the matter myself this morning, having regard to the fact that we had not met for a week and a half and, having regard to the fact that the business of this House today was a very important business for the good of our community, I gave the matter some thought and I desisted from asking Members to stand for the Prayer. Instead, what I did was – being a believer – I paid a short visit to the Blessed Sacrament and asked my Lord Jesus to help me today in conducting the business of the House in the manner that it should be conducted.

1580 Today, in the world in which we live, atheists are much more militant than what they were forty years ago. I am aware that there has been a Member, another Member in this House since 1972, who also is not a believer but who has always respected the desire of the majority to put our affairs in the hands of He whom we believe is our creator and is our God. The hon. Member has quoted parts of the Prayer but he has also left out another part. He says that he comes here and Members – regardless of whether people are Muslims, Jews or what have you – we are here to look after the interests of all. Indeed, the Prayer reflects that. The Prayer says:

1585 ‘May we act honourably in pursuit of true justice for *all* our people.’

1590 Let me tell the hon. Member that I do not think that the majority of Members here who are believers should necessarily have a room outside for their prayers. It is not an imposition. The business of the meeting does not begin... the Agenda does not begin with a Prayer. If he, or any other hon. Member, has any objection to the Prayer, what he can do is to join the House after the Prayer. For as long as I am a Member of this House, for as long as I am the Speaker, unless Members tell me otherwise collectively, I will continue at the beginning of every meeting to recite this Prayer and ask God to enlighten all of us here who are trying to work for the good of Gibraltar.

1595 We will now recess for twenty minutes.

1600 *The House adjourned at 5.15 p.m. and resumed its sitting at 5.32 p.m.*

**GOVERNMENT MOTION**

1605 **Parliamentary and democratic reform  
Report of the Independent Commission  
Debate concluded: Amended motion carried**

1610 **Mr Speaker:** Does any other hon. Member wish to speak before I call on the mover to reply?  
The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, it has been a long day and a very constructive debate and I think it is important that we now try and take this debate on this motion to an equally constructive conclusion. There have been some things said during the course of the interventions which deal with the Recommendations in the Report and I want to go through some of those.

1615 There have been some things said during the course of the interventions which are slightly party political and, with your leave, I am going to at least just put markers down in relation to that but I do not think is in anybody’s interest that we should delve into deeply controversial partisan territory during the course of this debate, so I am going to try and avoid that whilst simply saying, I am not accepting by simply not dealing with them, any of the points that have been put during the course of the afternoon.

1620 The first one, which is one of the issues that the Hon. the Leader of the Opposition started with, was this question of whether the current Constitution delivers the maximum possible level of self-government. He knows our position on that and it is important that we all understand that the debate today is not about any of those issues and the detail of any of those issues, it is about the detail of the reform proposals and where we want to go, so I am not going to delve on any of those issues.

1625 He went on to talk about whether, in certain instances, he had been left to debate motions or ask Questions on cold and late Friday evenings – what he called the parliamentary Siberia – and that motions would not be dealt with at peak times and therefore there would be less interest.

1630 When we are looking at parliamentary procedure, we have to understand what parliaments are. We have got to be careful also not to try and turn ourselves into a circus and we have got to try and understand what peak timing is. It may be, Mr Speaker, that with cameras active in the Chamber, a Friday evening that is otherwise cold and bleak at nine o’clock in this place is actually peak viewing time in the warm homes of those who may be watching on television. So yesterday’s Siberia, with the cameras active in the House may become prime time viewing. I think it is important that we reflect that what is going to

1635 happen when the cameras become active – something, as I have said before, I hope will happen soon – is  
 that those who operate news agencies – in particular, in Gibraltar it is GBC and now also the nascent  
 YGTV – will be able, whenever a Member has spoken, whether they have spoken at a time which is peak  
 1640 time or not peak time, if valid points have been made, they will be able to extract the relevant part and put  
 it on our screens. So I think the technology will help in that respect but he has to understand that  
 parliamentary procedure around the *world*, not just in Gibraltar, puts Opposition motions last on the  
 Agenda unless you are dealing with the adjournment motion that we are going to look at the procedure of  
 in more detail so that Members on both sides of the House may be able to make use of that particular  
 mechanism more often.

1645 Then there is, of course, Mr Speaker, a reference in the hon. Members address to the issue of  
 enlargement of the Parliament and their policy of enlargement to twenty-five. Well, I think that there *is*  
 an argument and I have not developed this argument any further but I think there is, potentially, an argument  
 that the number of Ministers need not necessarily just be ten. I think there is potentially an argument that  
 it could be eleven because the Chief Minister, if he takes no portfolio, can appoint, in my view, ten  
 Ministers and be Chief Minister himself, absent a Ministerial portfolio. I do not know how it would work  
 1650 in terms of remuneration, but the way that the Constitution operates is not necessarily always the way that  
 it has always deemed to operat, and if we look at it in some detail, it may be that there are flexibilities  
 there that we had not originally identified.

I am making that point not because I seriously believe that there *should* be eleven Members on this  
 side of the House, even with the current setup of numbers but because there is another point that I think  
 flows from it quite usefully. That is that they have demonstrated – in fact, in this debate perhaps more  
 1655 than in others – that it is possible, with the numbers that they have in the Parliament today, to have  
 Members who are on the back bench and I want to thank the Hon. the previous Leader of the Opposition  
 for his contribution today – I will come to it in a minute – but he has made it as a backbencher and, in the  
 course of the contributions from other Members of what we might call the front bench of the Party  
 opposite, they have said that they are not entirely aligned to the points made by the Hon. Mr Caruana.

1660 We have demonstrated and, fortunately, for all the reasons that we are aware of in the past six weeks,  
 that it is possible also to run a Government with one Minister less. We are running Gibraltar with nine  
 Ministers. There is, therefore, the potential, with the existing number, that if we were to gain a seat in the  
 coming by-election with a successful GSLP / Liberal candidate that that person might not need to be  
 appointed a Minister. You would, therefore, have a situation in this Parliament – without enlargement, Mr  
 1665 Speaker – where the GSD in Opposition have the benefit, as they see it, of a backbencher and we could,  
 potentially, have what was Mr Bruzon’s seat occupied by a Member to whom the Chief Minister does not  
 give a ministerial portfolio. It is a possibility. I am not going to present that option to the people of  
 Gibraltar when it comes to the by-election. I am going to ask them to return a GSLP / Liberal candidate  
 so that I have another Minister available in the delivery of the Manifesto but we have now demonstrated,  
 1670 in this debate today, that you can run a Government with nine, even in this context, without an Attorney  
 General and without a Financial Secretary, and that you can run an Opposition with six, with one  
 backbencher. So enlargement is not a *sine qua non* for there to be backbenchers available in the context  
 of this House.

1675 Of course, Mr Speaker, one might be tempted, in the knowledge that it is still possible to convene a  
 parallel election for 4th July for another seat, to invite those who might be holding backbench places here,  
 now that they would not add to the expense of the by-election –

**Hon. P R Caruana:** Will the hon. Member give way?

1680 **Hon. Chief Minister:** Of course.

**Hon. P R Caruana:** I thought he had just welcomed my contribution as a backbencher (*Laughter*)  
 and, with the very next breath, he wants me out of the Chamber! Well, can he make up his mind?

1685 **Hon. Chief Minister:** Mr Speaker, I did welcome the contribution. That is why I was about to say  
 that I was tempted to invite him to resign his seat... but, of course, it is a matter *entirely for him*. It is a  
 matter entirely for him.

1690 Mr Speaker, I do not think that the Report lacks focus on the issue of enlargement. I think that the  
 Commission has dealt with the issue of enlargement actually very clearly and just because the  
 Commission’s majority view is not the Leader of the Opposition’s view on enlargement, I do not think  
 that that demonstrates that the Report is in any way lacking in focus.

1695 The Hon. the Leader of the Opposition also said, in dealing with this issue of backbenchers that, in the  
 lexicon of other parliaments, other MPs had said that one of the most enriching experiences is to defy the  
 Party whip. Well, I think we have just seen one of those ‘enriching experiences’ just before the break and  
 we will see how enriching it is! (*Laughter*) But, look, I think we need to understand what Party whips

mean. Party whips are about votes, not about opinions. Very often, in other parliaments, a Member may get up and say 'I do not agree necessarily with all the reasoning that my Party leadership is advancing on this issue' and yet that Member may, nonetheless, be prevailed upon by the whips system – not something I think we should wish to replicate in Gibraltar – to vote with the Government or with the Opposition on a particular issue. Sometimes, they may just be prevailed upon not to make statements because they are contrary to the opinion that is being advanced by the leadership of the Party.

1700 All of those things which the Hon. the Leader of the Opposition prayed in aid in support of his arguments for enlargement, I think have been demonstrated today, for the reasons I have already given, not to be relevant.

1705 Mr Speaker, you have, in my view rightly, taken issue with Members on both sides of the House in the way that we had unfortunately grown accustomed to deal with each other at Question Time. We might take the view that you have sometimes been too harsh with us. We might even take the view that you have sometimes been too harsh on *them*. Not a view that somebody who had been in this Parliament perhaps in the 1970s and 80s, when you were here, might take. But for those of us who have been brought up in what I might call the more liberal environment of the past ten years, I think we have all felt the strictures that you have imposed on Question Time and I think, actually, that is a very good thing, although I feel the strictures myself. You are the Speaker and I think it is important that we all recognise, in this Parliament, that you are much like the referee in a football game and, therefore, the referee has to make decisions which are final and players on the pitch need to understand that, even when they think that the referee has got it wrong, defiance of the referee is not an option that should be displayed.

1715 I am not going to suggest that the Hon. the Leader of the Opposition's remarks today, in the context of this debate about the subject, have amounted to defiance, but I would say this that, in the occasion that we were talking about, I detected an element of defiance of the Speaker. If *we* have ever fallen into that trap, then it is something that we should never fall into and I would commend to the hon. Members opposite that, even when we all might take the view that Mr Speaker is being unduly harsh, or we might take a different view on one side or on the other, the recourse in this Parliament should never be to *appear* even, to defy Mr Speaker on an issue. I think Mr Speaker is approachable enough that we can, in a recess, take up issues with you that we might think have been unfair, almost as if we were asking to view the replay in that football match that I was trying to suggest was a good analogy, but we have to be very careful in the example that we set, not just to keep our debate not personal, which you are imploring us to do – and I think that is a very good thing and we had fallen into the habit of being more personal and I think we should not be – not just to continue to be very vigilant to keep our supplementaries and our answers relevant and informative and, where possible, it is not just a question of not being personal but also trying not to be too partisan when we are dealing just with the movement of information, although we are free to be partisan in the context of motions, but also to set an example in the way that we deal with Mr Speaker's rulings and to be respectful ever and not defiant.

1720 Can I just take up the Hon. the Leader of the Opposition's example, when he was dealing with the issue that he wanted to raise today, which was this issue of the point put to the Hon. the Minister for the Environment about whether or not he had briefed a particular mayor and his answer and whether the Members opposite had a document which suggested the opposite. These things, I think we need to understand, are almost becoming like a cross examination, where a document is produced to put to a witness that demonstrates that he said something which is not quite true. And Question Time, Mr Speaker, is not about that: it is about information. It is not about cross examination in order to prove a point. The Punch and Judy show that we see at 12.15 on Wednesdays at Westminster is not that. Of course, there are political points made but it is not 'Ah this... and here is the document and here is the rest of it.'

1735 The Question Time that the Hon. the Deputy Prime Minister, the Rt Hon. the Deputy Prime Minister Nick Clegg was dealing with, which I actually saw the whole of, where he had a document produced to him which had his photograph and his commitment, before the election, to put to the Referendum question, is different for this reason: I wonder whether the Hon. the Leader of the Opposition would just take this point from me. The gentleman who got up at what was Prime Minister's Question Time but had become Deputy Prime Minister's Question Time, in the absence of the Prime Minister in a Brussels meeting, put the question with the document as his question. The difference is that, in the context of what happened here, what was put to the Hon. the Minister for the Environment was one of many supplementaries at the end and Mr Speaker's ruling was about relevance... (*Interjection*) Well, the third or the fourth... about relevance to the issues that were being debated.

1740 I think there is a *huge* value in Question Time continuing to be political and I accept that that is an important part of what makes Question Time exciting. It is not just the Government as an encyclopaedia exchanging information across the floor of the House. We may as well just put that on a website. But it is about that context of information flow and the politics being interlaced into that without it becoming a legal cross examination, although there are too many lawyers in this Chamber, perhaps, for all of us not to fall into the trap of trying to make it that. So I think, and I will give way to the hon. Gentleman in a

1760 moment, that your strictures in respect of Question Time are appropriate and must be welcomed by both  
 sides as long as they continue to be equally applied to both of us, the answers must be short and sharp and  
 1765 informative and not delve into the partisan, so long as the Questions are short and sharp and do not delve  
 into the partisan. And if we fall into that rhythm, Mr Speaker, with a lacing of flavour of the political,  
 then we can actually – and I think this is what the Leader of the Opposition would like and I would  
 certainly like – then we can certainly find ourselves with a situation *like* Prime Minister’s Question Time,  
 which *is* the bear pit but moves quickly, *is* about information, and has reached almost that gladiatorial  
 1770 moment in the week, which everybody who is slightly interested in politics tunes in to see. But I think it  
 requires us all to understand that those strictures are relevant in some way.

I will give way to the hon. Gentleman, if he wishes, now.

1770 **Hon. D A Feetham:** Mr Speaker, thank you very much to the Chief Minister for giving way.

Mr Speaker, by the very nature, Question Time is partisan. We are in many instances, in some of the  
 questions that we are trying to ask, not only trying to obtain information but may lead us on a trail of  
 enquiry that may lead us then to make a political point, but we are trying to make a political point in  
 relation to some of the Questions by the virtue of asking that Question.

1775 In relation to this particular episode that I have used as an example, and that the Hon. the Chief  
 Minister is also using as an example, I have to say that the Hon. the Chief Minister was not here at the  
 time. No doubt, he heard it on the radio. But he was not here at the time because it was the Hon. the  
 Minister Cortes.

1780 The answer that was given – and it is verifiable by *Hansard* – was, that, as far as he was aware – that  
 is what he said – ‘As far as I am aware, the Mayor of La Línea has not been briefed on the Fishing  
 Report.’ And I had a statement and the point that I was going to make is, well, how can that answer be  
 sustainable in the light of a statement that has emanated from No. 6 Convent Place after a meeting with  
 the Mayor of La Línea, saying that she had been briefed on aspects of the Fishing Report. To say that  
 that, somehow, is beyond the pale of Question and Answer sessions, I do not think that is, with respect to  
 the Hon. the Chief Minister, sustainable.

1785 I think what we have got to watch out for in Question and Answer sessions is for those sessions to be  
 getting out of control, for it to be personalised. As long as people follow and observe good standards of  
 reasonable behaviour that we all expect from Members of Parliament in this House and as long as the  
 question, the supplementary, is relevant to the subject matter of the original Question, whether it is  
 political or whether it is statistical in nature, even if it is political, I do not see that it is objectionable. And  
 1790 of course also, we have got to have regard, as I am reminded by my predecessor, the former Chief  
 Minister and Leader of the Opposition, Mr Caruana, that this arose out of the answer that the Hon. the  
 Minister gave to a question that Mr Netto had asked. In fact, it was the second supplementary – it was not  
 the fourth or fifth supplementary – and matters were not getting out of hand. I was just simply going to be  
 asking ‘Look, how can it be sustainable?’ I think that is not beyond the pale, so to speak.

1795 I accept that we cannot always get it right and none of us – none of us – I accept that we cannot  
 always get it right... I have my views in relation to this. Other views were expressed. I do not think that I  
 went – indeed, it has been subject of comment by former politicians. Mr Maurice Xiberras has also  
 expressed his views, the Editor of the *Chronicle* has also expressed his view in an editorial. I do not think  
 1800 that I over-stepped the mark or that my conduct at the time was beyond the pale and we have got to guard  
 against a situation where this becomes... we are treating each other with kid gloves at Question time. That  
 cannot be right: it is just going to put people off.

1805 **Hon. Chief Minister:** Mr Speaker, if I may, the issue is not so much the *subject* of what was going  
 on, you know the hon. Gentleman says he has a document which contradicts what the Minister says. As  
 ever in these instances, it is very likely that when we look at the document it does not entirely contradict  
 what the hon. Member says but that is the substance of the matter. The issue for me is, Mr Speaker, and  
 what I am talking about in particular, is that what we cannot do is defy the Speaker when we think Mr  
 Speaker may have got it wrong.

1810 What we cannot do, with respect, Mr Speaker, is become – and I do not want this to become a very  
 partisan debate, but because we are talking about Question Time and how it is structured, when we *think*  
 you get it wrong Mr Speaker – what we cannot do is become petulant and say ‘Now we are not going to  
 ask any supplementaries. ‘Industrial action’ of that sort, although it was very welcome by the  
 Government, because we were able to fly through Question Time, I do not think was conducive to the  
 way in which we have to deal with those issues.

1815 I think that we are *all*, Mr Speaker, learning lessons about how we are going to get to the right tone  
 and level of Question Time. I think it is right that we are embarked on that journey and that you have  
 taken us there and are putting us on the right track and that is, I think, what I am sure will deliver the right  
 balance so that we get to a PMQ style debate which is as exciting for Members opposite as it is for  
 Members on this side of the House and for those who are watching whilst, at the same time, being

1820 primarily about information and then, as I said, the partisan flavour or the partisan lacing that would make that exciting.

Mr Speaker, I think that to say that we are not doing enough in terms of the timetable that we issue is to ignore what the practice of this Parliament has been for forty years. Again, I –

1825 **Mr Speaker:** For twenty!

**Hon. Chief Minister:** I am obliged, Mr Speaker.

1830 For twenty years... Because I think it is fair to say that we are going out of our way to provide a timetable. I think that if we have a Select Committee which looks at the issues that we have discussed constructively, it may be, as I was saying to the hon. – can I just call him the hon. the backbencher: it is easier than the Hon. the-former-Leader-of-the-Opposition-now-the-backbencher – it may be possible to come up with a formula so that all of us know when in the month we need to be where. That makes it easier for all parties and the issue of the timetable becomes even *less* relevant. But until we have that...  
1835 the hon. Members opposite, some of them understand what it is like to be in Government, and they used to call three meetings of the House a year: calling them on a monthly basis, and sticking roughly to where we are, is a relatively hard job and I still, nonetheless, try and make sure that Members know who is going to answer Questions on what day. I do not know whether they are getting the timetable but we certainly try and make sure it is out as soon as possible, so that they have an idea of where we are going to be.

1840 But, of course, then the *other* issue is this: if you want to have the Minister for Justice, Education and Financial Services between 9.00 and 11.00 on the third Wednesday of the month and then the Minister for Social Services between 11.00 and 1.00, then we have got to have a time guillotine and that is what Members opposite were proposing. I was saying we should not have a time guillotine. Absent the time guillotine, I found myself compiling for this last session a timetable of Question Time which kept  
1845 changing because we did not reach the end of particular Member's Questions by the time that we thought we would reach it – although I must say on the last day it flew!

I think Members have to understand, it is *either* the clear timetable that we can all stick to because we have got time limits, or it is the substance guillotine that is going to allow them to continue to ask questions whilst Mr Speaker indulges them and the subject matter of the supplementaries continues to be relevant. In that context, if we move to a timetable, would it be easier, not just for single mothers, but for  
1850 all of us who are professionals, to plan our time better, whether we are in Government or still in the professions – of course, even for Mr Speaker and other Members of the staff of the House – to plan their lives better? I think we should strive for that. The Blair Reforms of the late 90s were designed to try and deal with the influx of what was known as the 'Blair Babes', a very large influx of women Members of  
1855 Parliament, who had responsibilities for families that, therefore, required that the time-honoured traditions of the House of Commons be changed.

I think we have changed the time-honoured traditions of this House to an extent, at least for the time that I was here because we no longer sit as late as we used to sit. We try and ensure that we get through the business of the House. The hon. Member talks about Siberia, 8 o'clock on a Friday evening: perish  
1860 the thought that you might be involved in a debate, eating take-away food at 10 or 11 o'clock in the evening: not unknown in the period before us. So I think that they need to understand that they have in the Government an ally in trying to ensure that we find a rhythm for the timetable which is as useful for Ministers and for the future Members of Parliament, who might be attracted to an easier running institution, but we have got to then, in the Select Committee, look at that balance between setting  
1865 timetables or keeping things relevant during the course of debate because they remain subject-matter relevant.

I do not know whether he wants to make a point.

1870 **Mr Speaker:** May I explain why I made the comment of twenty years.

I honestly think that Parliament today, with the timetable that it has, is conducting its affairs better than what the House of Assembly used to do at Question Time between 1972 and 1992. In Question Time what used to happen was that there was no proper timetable, other than that it was known that the most junior Minister would answer Questions first and so work up in order of precedence, as it were, of seniority, to the Chief Minister. Now that meant, effectively, that all Members of Government had to be  
1875 sitting on the Government benches throughout the meeting and, invariably, all Members of the Opposition in the same way. So, in a way, we were the slaves of a timetable which had no flexibility whatsoever. In that sense, I commend what Members have been trying to do. I think it is a better system. It does not mean that a Minister who is busy – otherwise busy – and needs to attend to Government business, has to be sitting here in case he needs to answer Questions if they go through very, very quickly,  
1880 or that a Member of the Opposition, who is only a part-time Member really, is also obliged to be here present.

So I do not want the House to think that, because I made that comment, I was disparaging the present practice. On the contrary, it is something that I support.

1885 **Hon. D A Feetham:** Yes, Mr Speaker. The problem that we are finding on this side of the House in relation to the timetable is... Of course, we know the order in which Questions are going to be taken, but what we do not know is, more or less, when a particular Minister is going to be questioned because we have had, in the past, say, for example, Chief Minister's Question Time at 3.00 p.m. and then there is an adjournment to the next week: or we have started with, I do not know, the Minister for Education and then, instead of continuing into the afternoon, it has been adjourned from a Monday to a Friday.

1890 Our preference, in order to give greater certainty to this question to solidify the timetable, is to have... we do not mind having a situation where the Chief Minister is questioned for three hours, or that Mr Licudi is questioned for – well, Mr Licudi is probably a wrong example because he is the Minister with many portfolios – but somebody like Mr Cortes is questioned for two hours in relation... and to have specific dates at specific times for those Ministers. That then allows everybody else to plan around the diary.

1895 He knows, and I am very grateful... Indeed, it gives me an opportunity to thank the Chief Minister for the adjournment the last time round: when it came a couple of weeks ago, it was my birthday. My wife had organised a trip away for three days for me and her: it was the first time in ten years that my wife and I were out of Gibraltar without our children. Now, she organised it, she asked me beforehand and I said 'Well, on this particular weekend I do not think there is going to be a Parliament on the Friday because the Chief Minister's Question Time usually is the third week of the month', so we planned it with the sort of more-or-less timetable, the way these things are going on now.

1900 But, of course, the Questions were then... We started off on the Wednesday, then it went on to the Thursday and then it went on to, I think it was the Tuesday, and then it got adjourned... I think the initial proposal was the Friday and I had to speak to the Hon. the Chief Minister and I am very grateful that, instead of having *this* Parliamentary debate on the Friday – although it would have been a bad day because it was the UEFA day – that he agreed to have the debate on this particular day.

1905 With a more certain timetable those things do not happen, because we are then able – everybody is then able – to plan their entire... their diaries, around Parliament. I think that is *one* of the reasons why we would not... why we are in favour – although not the only reason – of having specific slots of specific times in which we can deal with Questions of Ministers. Certainly, we are prepared to discuss this in the Select Committee when the Hon. the Chief Minister convenes it.

1910

1915 **Hon. Chief Minister:** Happy Birthday! I did not realise that that was the reason. Happy Birthday. I did not realise that was the reason for the trip.

**Hon. D A Feetham:** Thank you very much. That would have explained it.

1920 **Hon. Chief Minister:** No, not that part, but anyway...

1925 Anyway, Mr Speaker, the issue of the timetable used to affect me. I was a Member of Parliament for eight years when I was not in Government and we have had all of these issues ourselves and we have been fairly roughly treated in the context of those eight years but it has made us who we are today so we are not even going to decry those eight years... Being a Member of Parliament involves responsibility and, unfortunately, sometimes of course, times change and what we have experienced may actually be something that is dealt with by the notice change. In other words, if there is seven days notice for Questions and not five, then it may be easier even to have all Answers to Questions ready in time: very often, some of these adjournments are led by needing to have Questions answered by those who are preparing the Answers. I think what we are all saying is that this needs to be looked at in the context of the Select Committee, so let us get on with it: it is not an issue that we need to labour.

1930 The hon. Member made the point about two terms and said that if he were ever elected as Chief Minister he would only do two terms. All I will say, Mr Speaker, trying to be as non-partisan as possible, is thank goodness for little mercies. If he ever does make it, at least we will have enough on record to make sure that he goes after eight years! (*Laughter*) Thank you. But he will understand, Mr Speaker, sometimes that it is particularly galling to hear those issues about the timetable when we have introduced the concept of the timetable and we are trying to pursue it.

1935 The hon. Lady, who is not here to hear this reply, talked about 'marathon sessions'. Well, a budget session is a marathon session but it is usually – I think in the time that we have been leading the House – it is the *only* marathon session and it is, perforce, a marathon session. It is one of the issues that I think – one of the debates, rather – that has Members most interested in what it is that *they* are going to say about their particular areas of responsibility. Usually it works, Mr Speaker, on the basis of speakers talking on the Government side about the year to come and speakers on the Opposition side about the year that is past. But it is the moment when each of us speak about a portfolio: it does get partisan and it is almost the

1945 high piece, the high set piece, of the Parliamentary year. I think it is right that it should be but, even then, the marathon is relatively constrained and we do not, I think, sit beyond seven or eight in the evening, just in the interests of getting through the speeches as quickly as possible.

1950 So, Mr Speaker, the issue of televising the House I think is now something that is going to enjoy, even when it comes to the rules, a fairly easy wind across the floor of the House and I think that is going to be a great opportunity for people to actually *see* the workings of this place, not just hear it. That, I think, will be a very good thing that the hon. Lady was talking about and that we all agree on. Then she came to this issue of Recommendation 18 at Paragraph 2.1.4, where the hon. Lady said that there was this allegation, I seem to hear her say, of ‘corruption’, and the hon. the backbencher, Mr Caruana, also referred to it. We did not read it in that way but there are clear issues that I have referred to before in respect of the funding of *Seven Days*. I think I was very clear on what my position was in Opposition. I did not make submissions to the Commission and neither did I ask anybody to make them on my behalf because I knew that I was going to have this opportunity to address the Parliament on them.

1960 But, in our view, and I have said before to the Hon. Mr Caruana when he was Chief Minister, when he was Leader of the Opposition, that his moral political compass went wrong on the *Seven Days* issues. There are issues there and it is right that they should be addressed. We think that they are now fully addressed by the publication – the *clear* publication – of all the amounts paid to media on the Government website and, although we will consider this in committee, I think that is quite enough and that is now quite clear. But, given how they have taken it, it may be that there is an issue to look at.

1965 I think there is *this* point to be made, given what was said by Members opposite. It is quite different to *advertise* in a publication than it is to *fund* a publication and I would say the difference is this, Mr Speaker: if a publication features advertisements from thirty, forty, a hundred different Parties and one of those Parties happens to be the Government, then you are advertising in that publication. If a publication only features advertising from the Government and *no* other Parties, or perhaps one other Party on an occasional week, then you are funding the publication. The Hon. Mr Caruana knows my argument. I have explored it a hundred times when I was in Opposition and we remain of the view that something went wrong there.

1970 Mr Speaker, the issue of petitions, I think, is one that needs to be considered by the Select Committee very carefully. Other parliaments have modernised the way that they deal with petitions, as I said in my earlier interventions. We already have the opportunity, if a petition is brought to the House, to debate it. It is tabled and we can consider it, as I said. But the hon. Lady said that, perhaps, with 1,000 signatures, a petition should have to be debated. Well, Mr Speaker, we all have, and put, different arguments as to our opponents’ relative political strengths but I dare say that they can muster 1,000 signatures and we certainly can. If we were in Opposition, we could stymie the workings of this House by bringing up six petitions every meeting of the Parliament signed by 1,000 people and I am sure that they could bring ten signed by 1,000 people and stymie the workings of this House and force us to debate petitions that are signed by 1,000 people.

1975 I think it is right we should look at modernising the petition procedure but I think that setting a number like 1,000 may be making each other hostages to fortune because we could each ensure that all we do in this Parliament is debate each other’s members’ petitions. So I think the Select Committee needs to consider that issue very carefully.

1980 I agree with Mr Caruana that this reform is not just about workings of Parliament although, of course, it is, but it goes beyond that. It goes further into our development as a people. As we develop our Parliament, and I think we do that in two ways – which I will come to – we also develop ourselves as a people. I think the two ways that we develop our Parliament is (1) as we are doing now and (2) in the context of further constitutional reform with the United Kingdom when it comes. Both of those have the effect of modernising and taking us forward in our journey as a people.

1985 The hon. Gentleman also talked about the ‘engagements’ question in the United Kingdom Parliament, which is in the context of the debate on Question Time, which is the question put to the Prime Minister to ask him about his engagements. I think it is right to say that those are not all the questions that are put to the Prime Minister. As I understand it, there are two or three of those put during the course of the day. Other than that, the Prime Minister *does* have notice of the questions that are put to him. I thought I heard him say that he did not, but he knows what is coming in respect of *most* of the questions that are put to him and there are three questions in the half hour where he is blind-sided by any issue that anybody wants to put to him. Very often those are put by backbenchers so they are very easy bowls of ‘Will the hon. Gentleman agree with me that he is doing an excellent job getting the UK economy back on track?’ so it is hardly the most challenging of questions that is put when the engagements question is put and I just want to deal with that by way of information to the House.

1990 He said that there was a Speaker’s ruling in the United Kingdom about what things the Government *should* say in the House and what things a Government should feel free to make statements about outside. Of course, again in the context of the United Kingdom Parliament, although it sits in terms, when it is sitting it is in permanent session and the Prime Minister can go to Westminster at any time to make a



statement. I think that is the difference with our Parliament, as well, that even in the renewed monthly setup, the Parliament would really only be in session for a week or two unless we have this power to bring it back and I would not want to be bringing Members back simply to make a statement. It would have to be something quite dramatic to bring Members back.

2010 And this question of public statements, once a Question has been put, which has also arisen on a number of occasions in the past months, I think it is important that that be understood. I think it would be wrong – although it was done on some occasions previously – to answer an Opposition Question with a public statement if somebody knows that there is a Question on the order paper and you had not already planned to make a public statement, because the other side of the coin there is that an Opposition  
2015 Question could be used as a brake for a Government initiative. So, for example, if the Government announced – as we had – that we were going to advertise for a new power station by a particular date, I think it was the end of May, and I think two days had passed after the end of May and the advert had not appeared but had been sent to the press. If the Opposition Question comes in, does the advert go without the press statement, does the Question stop the press statement? I think these are also questions of degree,  
2020 where the Government will want to respect the primacy of Parliament and deal with issues that are down for debate in Parliament in Parliament but also cannot allow its agenda to be stymied by the Opposition. That is a question of balance and degree, not so much an issue for the Select Committee but one of balance and degree that we have to get right. But, of course, if the Opposition were to say – and they do not say it in this way – but say, for example, they were to say, in their public statements about the Questions *they* had filed, ‘We have asked the Government why they have made these corrupt payments’, well, I think to ask a Government to wait nine days to answer something like that, I think would be an imposition. In that context, where the Opposition has said we have asked this Question, which is highly provocative, I think the Government is entitled to say ‘We are going to answer it in this particular way’. Again, it is a question of balance and degree that needs to be judged.

2030 Mr Speaker, I am not persuaded that there *has* to be a Bills Committee. I am persuaded that there is, voluntarily, the opportunity for the Government to consider these things in a committee, if we consider it appropriate. I think the Standing Orders already provide some mechanism for it and, again, it may be that this is an issue of awareness when it comes to particularly lengthy Bills, all of which are going through a longer period of public consultation. The point is this, and the Hon. Mr Licudi alluded to it. The longer  
2035 periods of public consultation and the Command Paper process also enables Opposition and Government to engage on Bills for longer. We have six weeks after the new Constitution, eight if you add the bare minimum that we would consider appropriate in the context of a Command Paper. So that long a consultation period can also help for the Parties to engage, if not across the floor of the House formally, then less formally on a particularly lengthy Bill.

2040 I heard what the hon. Gentleman said about the Deputy Speaker and the irony was not lost on him or me as he moved to talk about there not being a requirement that Deputies be referred to in a Constitution, as to one particular intervention, one particularly memorable intervention he made in this House. I think he is right: that the fact that a post is not referred to in the Constitution does not mean that it cannot be made to exist by a legislative act. But I think it is also about understanding – [Interruption] Sorry?

2045 **Hon. P R Caruana:** A legislative act?

**Hon. Chief Minister:** A legislative act, yes, or otherwise. As long as there is not a law that says you cannot call yourself the ‘Deputy Parrot’, then people can go around calling themselves the Deputy Parrot. (Interjections) But whether they have the power to then come and sit is different. Now, in that context, I think his intervention is a useful one. I think it is one that we need to follow up in the Select Committee. I am not so concerned about Members not being able to take the Chair because I think that the process is not that they take over as Speaker, but that they take over the *functions* of Speaker or that they at least take the Chair. So there may be an issue of further research to be done in that respect. But I think the Select Committee needs to do that and we have all agreed that the recommendations to have a Deputy Speaker are appropriate and now we need to find the mechanism to do that.

The hon. Gentleman said that one of the reasons for allowing the expansion of Parliament was that anything which allows people to contribute to the political life of Gibraltar should be encouraged. If I may say so, I never felt encouraged by him in the time that I was here but that was part of the toughening-up process for this job, I guess! (Laughter) He is right that anything that encourages people to become involved in politics should be welcomed. But that does not necessarily *have* to mean in this House. I mean different political parties like different football clubs have different ways of recruiting. There are some football clubs that are known for having the ability to train youngsters in-house and to create stars in-house. There are political Parties in this House, those on *this* side, that believe that they have got a good, what you might call *cantera*, without the need to have Members brought up in the House on the basis of being backbenchers etc. I think there are other mechanisms for that but I think it is appropriate to also recognise that perhaps the backbench system might be one model. I just want to make the point that

it is not the *only* model.

2070 And I give way to the hon. Gentleman.

**Hon. P R Caruana:** Yes, Obligated, Mr Speaker.

There is a point that I had a note to make but then did not see my scribble in time to make it and it does dovetail well with the historical review that the Deputy Chief Minister gave us. The reason why there is no back bench in this Parliament is because we were a legislative Assembly.

2075 It is *typical* of legislative Assemblies that there is only a Government front bench and an Opposition front bench because it is not a Parliament. Only in a Parliament do you have Members of Parliament from which the executive is drawn but not in full to the executive on the Government side. It is one of the *trappings* of our history as a Chamber that we celebrate having left behind but seem determined not to do anything about. In other words, it is *not* a coincidence that there is only a front bench on both sides of this House: it is one of the characteristics of an Assembly as opposed to a Parliament.

2080 There is no parliament in the world with only front benches on both sides because that is not what parliaments are. Parliaments are not about Government and Opposition, they are about Members of Parliament, multi-party on both sides of the House, sometimes more than two sides of the House, from which is drawn, on one side, the winning side, a front bench – the side that commands the majority support – a front bench and, on the other side, a shadow front bench. But parliaments, as opposed to Assemblies, are not just about executives and Oppositions to executives and, for so long as there is not a back bench on both sides of this House, we will struggle to look to the outside world like a real Parliament, in my opinion.

2090 **Hon. Chief Minister:** Thank you for the point that the hon. Gentleman has made. Of course, now there is a back bench on that side and there could very well be a back bench here on the 5th July, if we are successful in the by-election. The question is whether enlargement is a necessary feature of having backbenchers and I think, at least for the sake of argument, he has demonstrated that it is not and I think that we have also demonstrated the possibility that there should not also be all front-benchers in this Parliament, even if we have done so in the context of these very tragic circumstances.

2095 I heard what he said about the Electoral Commission. I had said I did not have a fixed view and was willing to listen to what the hon. Member said. Mr Bossino also addressed the subject and we will consider those issues in the Select Committee.

2100 Mr Speaker, one of the issues that was raised was the question of this enfranchisement of the diaspora. Some of the examples that were given I think we need to pause and consider. For example, yes, United States Citizens are entitled to vote for their President wherever they are in the world, however long they have been there out of the United States, so long as they remain citizens of the United States and they carry that passport. As he will know from his practice, and perhaps even from his time in politics, they are also liable to pay the Exchequer of the United States, the IRS, tax on their worldwide earnings, wherever they may be living. It is really that principle of no taxation without representation that they are able to rely on, even if they spent the past twenty years in Australia. If they had wanted to retain their American passport, they continue to be liable for their American taxes and they continue to be chased, they continue to be chased around the world for their taxes by the IRS. Of course, they have the other side of the coin, which is the benefits coin, which means that they are entitled to vote in the US Presidential Elections and they are entitled to all the other benefits of being a US passport holder.

2110 I think it is important that if we were to accept the argument that the hon. Gentleman put about other nationalities being able to continue to vote, even when they have not been resident of their place where they were born and exercise the voting for many years, whether they also continue to have liability for taxation.

2115 **Hon. P R Caruana:** If the hon. Member... [*inaudible*] I beg his pardon. He knows that that is not the case in the UK, that the UK tax system is based on residence, the American tax system is based on citizenship. The UK tax system and our tax system are based on residence, therefore the American tax system taxes, whether they have got the vote or not, on the basis of residence and the UK allows the vote whether you pay tax or not because tax is based on residence not on whether you have the vote. A UK citizen who votes, notwithstanding that he lives in Australia, does not pay tax in the UK simply because he has the right to vote there.

2125 **Hon. Chief Minister:** He is absolutely right, Mr Speaker, but they do not retain the vote for good. They retain the vote only for a short period after having left the United States: I do not know whether it is two years in the United Kingdom. I do not know whether it is two elections or otherwise, but it is not for life and, in the American context, it is whilst you continue to hold your American passport, however long you may have moved out of the United States. So all I am saying, Mr Speaker, is that it is not as easy to say that, in other cases, others continue to have that right even though they have moved away. And if you

2130 were to approve, for example, Mr Speaker, in the Select Committee, the same example as the United Kingdom citizens, then we might find that there are a lot of people who live very close to Gibraltar who, after two elections, would lose the vote because they have been living out of Gibraltar in areas very close to Gibraltar for more than ten years. So it is right that we should look at this but, Mr Speaker, we are not going to be persuaded that those models that have been referred to us are determinative of the issue.

2135 Mr Bossino dealt with a lot of the issues that the Hon. Mr Caruana also dealt with and I note that there is some divergence of opinion between what the GSD front bench have referred to the House as their point of view and those points put by Mr Caruana. *(Laughter)* We note that difference of opinion. It helps today to inform the House of different potential solutions for the Select Committee to look at but we do, of course, note that there is a division on a number of issues.

2140 The Hon. Mr Reyes said that the context of when Parliament lives out its time and an election is called automatically, a Government is presently entitled to three months of life, in that context, with Parliament dissolved, they would not even have the monthly meetings and that seemed quite anti-democratic. That is exactly why I said that I felt that in that context was the only context that I could see that this question of changing the three months for forty-two days might be relevant but I do not see that it is relevant in any other context because the Chief Minister has that ability to call the election for whatever date he wishes and simply hold back, or not hold back, until he hits that buffer, which is the four year anniversary of the ceremonial opening of the House and, in that context, I understand it.

2145 Mr Speaker, it is late in the day and the issues that were raised by Mr Reyes for Mrs Isobel Ellul-Hammond, I venture to say, hit a very discordant note because they were very partisan points relating to an issue that we have been fighting over in press releases. I am not going to go into this issue of the GBC board: we have explained our position as to what the GBC board is today and what it deals with today and what it used to deal with before, which included editorial decision-making or appeals from editorial decisions by political parties and how it does not do those things today. But I was struck by the statistic that was put to us by Mr Reyes, as if it were a bad thing. Well, Mr Speaker, I must say, I think that statistic has improved considerably since 8th December and one of the things that the GBC board does is now reflect more women on the board than ever before, a member of the Jewish community on the board, a member of the Hindu community on the board, something which I think the Hon. Mr Caruana established when he was appointing the board – that was representation of those communities, So in terms of representation of minorities and representation of women, I think they picked exactly the wrong board on which to take issue. But those issues have been ventilated in press releases and I do not think there is any further need for us to consider the matter further.

2150 The Hon. Mr Netto made an intervention, which was a personal intervention, to which Mr Speaker has replied, giving his view. I respect Mr Netto's right to put that view and propose to him, Mr Speaker, that he should put an amendment in the terms of what he was proposing in the context of his speech and that all Members should then have an opportunity to vote on that proposed amendment so that he can test whether there is any traction for his view in the context of the Parliament as it is today. Can I just therefore end, Mr Speaker, this first part of my reply, by putting to Members a proposed amendment – a proposed amendment to the motion, where what I would do is delete the words '**WILL NOW CONSIDER** in this meeting those recommendations in detail' and insert the following alternative paragraph, and Members are getting a letter which sets this out.

2170 *"Having today debated and considered the recommendations of the Report;*  
 2175 **WILL REFER** the Recommendations of said Report to a Select Committee on the Implementation of the Recommendations of the Independent Commission on Democratic and Parliamentary Reform (to be known as the Select Committee on Parliamentary Reform) which is hereby established to consider the implementation of appropriate recommendations of the Report."

And I think that leaves open...

2180 **Hon. P R Caruana:** Would the hon. Member give way?

**Hon. Chief Minister:** Yes, I will.

2185 **Hon. P R Caruana:** I do not have the remote possibility of an amendment of an amendment, with all the complications that would bring for rights of reply.

The text has not reached me but did I hear him say that the brief for the Select Committee was to make decisions on the implementation, (**Hon. Chief Minister:** Yes.) as opposed to reviewing which of the Recommendations may be acceptable? We do not want to use language which assumes that they are all acceptable and we are just going to discuss the implementation of them.

2190 **Hon. Chief Minister:** The language, Mr Speaker, I thought was the language that he and I had agreed this morning and discussed also with the Leader of the Opposition, which was that *all* the

2195 recommendations should be sent to the Select Committee so we do not just choose today and in the Parliament, by Government majority, which should be put to the Select Committee. We send them all to the Select Committee, the Select Committee is then free to come back with the Recommendations to the Parliament. I think we have heard what the positions of Government and Opposition are in respect of each of the particular Recommendations and then we can come back, if he sees the last sentence, ‘*to consider the implementation of appropriate Recommendations of the Report.*’ So that the Committee can then take the view of appropriateness of those Recommendations.

2200 I am quite happy to consider language if he wants –

2205 **Hon. D A Feetham:** Mr Speaker, perhaps before he moves this amendment because, again, for reasons that my colleague the Hon. and my Learned Friend Mr Caruana has said that we shorten the exchanges. If we adopt this particular wording and refer ‘*the Recommendations of the said Report*’, what we are not referring to the Select Committee is on anything on which the Report does not make a Recommendation. So enlargement, for example, there is no Recommendation...

2210 I would just simply write: we will refer ‘*the said Report to a Select Committee*’ rather than the Recommendations. It is ‘*the said Report to a Select Committee*’ and then they can consider the – and I think that deals with the point.

**Hon. Chief Minister:** I told him this morning, Mr Speaker, I have no difficulty with that and I did not intend by this amendment not to leave that out, so I am happy to say ‘*will refer the said Report to the Select Committee*’ and I think that then deals with the point.

2215 **Hon. J J Netto:** Mr Speaker, just before the Hon. the Chief Minister sits down, will he be able to indicate to me when is it possible for me to make an amendment to the motion. Is it –

**Hon. P R Caruana:** We are not there yet.

2220 **Hon. J J Netto:** We are not there yet.

2225 **Hon. P R Caruana:** My point was slightly different and it arises in the second line, which is: ‘*will refer the Recommendations or the Report*’ – whichever of the two – ‘*to a Select Committee on the Implementation of the Recommendations...*’ In other words, the Select Committee, unless that is what the Hon. Chief Minister means, is not a Select Committee to *implement*, it is a Select Committee to consider. Presumably, the implementation ....

**Hon. Chief Minister:** Is this in the last sentence?

2230 **Hon. P R Caruana:** Yes.

**Hon. Chief Minister:** ‘*To consider the implementation of appropriate Recommendations*’?

2235 **Hon. P R Caruana:** Yes, but by what process is whoever is going to decide going to decide which of the Recommendations are accepted. Is the hon. Member suggesting, which could be one way of doing it but just so long as we are clear, is the hon. Member suggesting that it is *this* Committee, the Select Committee, that would decide on the Recommendations which to accept and *then* go on to consider the implementation details of those that *it* has decided will be accepted, as opposed to this Select Committee considering and discussing the Recommendations from which both the Government and the Opposition will be able to measure the degree of consensus that exists, leaving the process of *actual* adoption of Recommendations to the House. It should be the House that decides which of the Recommendations it accepts, *not* a Select Committee. The Select Committee should consider and then, on the basis of the discussion, and, hopefully, the consensus-building that is in that Committee... Yes.

2245 **Hon. Chief Minister:** Yes Mr Speaker, it is not the intention that the Committee should then run off and implement. The Committee has had the benefit of today. It could then, after today, determine and implement. I do not think it is *empowered* to do that because a lot of what is going to require implementation is actually going to require motions to amend Standing Orders, legislation to amend the Parliament Act etc. etc. So, necessarily, the work of the Committee needs to involve a referral back to this Chamber so that, as a Chamber, either we adopt those parts of the consensus that the Committee can put to us, and there may be some which have to be dealt with by way of partisan vote on the 10:7 basis. So I am quite happy, if the hon. Gentleman considers it appropriate, I think this does the job and this is what it was intended that we should be able to deliver.

2250 So, on that basis Mr Speaker I therefore move the amendment that I have given you notice of without

2255 the words “*Recommendations of*” in the first sentence that starts with “*will refer*”.

**Mr Speaker:** May I ask the composition of the Select Committee: is that to be deferred to a later date?

2260 **Hon. Chief Minister:** Mr Speaker, I said, during the course of my intervention, that I believed it should be three Members appointed by the Chief Minister – or including the Chief Minister, if he wants to be on it – and two Members appointed by the Leader of the Opposition. I have not reflected that here: I said that during the course of the debate. I am happy to reflect it here or, if the hon. Gentleman wants to take it as read and the Clerk will make a note, then we can make those composition notes.

2265 **Hon. P R Caruana:** Mr Speaker, yes, I think, as a matter of procedure, the Select Committee has to be established by resolution of the House, so it is not just about referring this to the Committee. I think there ought to be a paragraph establishing the Select Committee.

2270 **Hon. Chief Minister:** ‘Which is hereby established?’

**Hon. P R Caruana:** And the composition of it, I think, is also required...

2275 **Hon. Chief Minister:** Put it in there?

**Hon. P R Caruana:** Yes, I think it is a requirement.

2280 **Mr Speaker:** I am prepared to be very liberal. Is there any reason why Standing Orders should not be suspended, with the approval of all Members, and a separate motion dealing with the composition of the Select Committee can be taken...

**Hon. P R Caruana:** We could, alternatively, just add here: ‘...*which is hereby established and consisting of two Members nominated by the Leader of the Opposition and three by the Chief Minister.*’

2285 **Hon. Chief Minister:** Yes, it would simply say: ‘... *is hereby established to include three members appointed by the Chief Minister and two by the Leader of the Opposition to consider the implementation...*’ and then we have got it.

So I formally move that amendment.

2290 **Mr Speaker:** Let us see whether we can have copies of the complete amendment.

In the meantime, while we await the complete amendment, I am prepared to propose – so that we can get on with the debate – I am prepared to propose the amendment in the terms moved by the Chief Minister and, therefore, I invite Members of the Opposition to express a view. (*No Member rose to speak*) Okay, in that case, we shall await until we receive the actual amendment and then we can put it to a vote.

2295 **Hon. P R Caruana:** In the meantime, we might be able to proceed with any other amendments. Ah, yes.

2300 **Mr Speaker:** Now, is the Hon. Mr Netto moving an amendment to *this* amendment?

**Hon. P R Caruana:** No, to the motion, as amended. (*Interjections*)

2305 **Mr Speaker:** To the motion after we amend it? (*Interjection*) We vote on the present amendment. (*Interjection*) No? (*Interjection*) Let me now read, for the record, what the amendment proposed by the Chief Minister is. The amendment is to delete the words ‘**WILL NOW CONSIDER** in this meeting those *Recommendations in detail*’ and insert therefore the following alternative final paragraph:

2310 “*Having today debated and considered the Recommendations of the Report; WILL REFER the said Report to a Select Committee on the Implementation of the Recommendations of the Independent Commission on Democratic and Parliamentary Reform (to be known as the Select Committee on Parliamentary Reform) which is hereby established to include three members appointed by the Chief Minister and two members appointed by the Leader of the Opposition to consider the implementation of appropriate recommendations of the Report.*”

2315 That is the amendment. Does the Chief Minister wish to exercise a right to reply.

**Hon. Chief Minister:** There is nothing to reply to.

2320 **Mr Speaker:** No.  
I will then put the amendment to the House.  
All in favour? (**Members:** Aye.) Those against? Carried.  
We now, therefore, have the motion – the original motion, as amended.  
Now, the Hon. Mr Netto.

2325 **Hon. J J Netto:** I am grateful, Mr Speaker.  
I would like, if I may, to bring an amendment to the motion and therefore seek a vote so

2330 *‘That the recital of the Prayer is not continued when Parliament is in session in the Legislative Chamber, this to ensure that we can draw a separation of Church and State during the proceedings of Parliament for the reasons alluded by me at my speech, thereby maintaining a position of neutrality and respect in the freedom of everyone, regardless of opinions of consciousness.’*

2335 **Mr Speaker:** May I have a copy of the proposed amendment.  
The Hon. Mr Netto is moving an amendment to the effect that the following be added to the amended motion now before the House, and the following being:

2340 *‘That the recital of the prayer is not continued when Parliament is in session in the Legislative Chamber, this to ensure that we can draw a separation of Church and State during the proceedings of Parliament for the reason alluded by me at my speech, thereby maintaining a position of neutrality and respect in the freedom of everyone regardless of opinions of consciousness’.*

Does the hon. mover wish to speak in support of this amendment.

**Hon. J J Netto:** Not really, Mr Speaker, because I would be regurgitating what I said earlier on.

2345 **Mr Speaker:** Okay.  
I therefore invite any hon. Member who may wish to do so to speak on the amendment now before the House.

2350 **Hon. Chief Minister:** Mr Speaker, if I may just say this: the hon. Gentleman spoke passionately about his beliefs and, in that context, engaged an issue of belief and therefore, certainly on this side of the House, Members should be free to vote with their own conscience on issues which affect belief and there will not be any question of any Party whip to vote in a particular way.

2355 **Mr Speaker:** Does any Member of the Opposition wish to speak?

**Hon. P R Caruana:** Yes.

**Mr Speaker:** The Hon. Mr Caruana.

2360 **Hon. P R Caruana:** For my part, I shall be voting against the amendment. I have every respect for my learned colleague Mr Netto. I do not think that anybody’s freedom of conscience is assailed or attacked or undermined by this House maintaining its traditions. The Prayer is carefully worded in that respect. I think that the tradition of starting our meetings with a Prayer is firmly established, it forms part of the heritage of this trust.

2365 I do not personally accept that equality of anything requires those of us who value the Prayer to be obliged to desist from uttering it and that tolerance works both ways. It means respecting the wishes of those who do not believe but also respecting the wishes of those who do believe and tradition is in favour of not changing the *status quo* in that regard. So I would urge this House to defeat the motion moved by Mr Netto and that way we maintain the equilibrium of respect that has always characterised this community, in terms of tolerance of conflicting religious views or those people who have no religious convictions of any kind.

2370

**Mr Speaker:** Does any other hon. Member wishes to speak. The Hon. Leader of the Opposition.

2375 **Hon. D A Feetham:** Mr Speaker it is a matter of conscience for my hon. Friend Mr Netto that is why on this side of the House where we have a tradition on matters of conscience not to impose a three line whip so to speak on those issues and to allow a free vote. That is why I have allowed Mr Netto not only to raise it but also, as Mr Netto quite rightly pointed out in his speech, on this side of the House we will

2380 certainly have a free vote on this particular issue.

I have to say that I personally do not agree with it, I do not agree with it for much of the very same reasons that the former Chief Minister and Leader of the Opposition, Mr Caruana, has articulated during his short intervention, but I think that it is a sign of the maturity of this Parliament and this place that, at the very least, that we allow people such as Mr Netto who have strong views on issues of this nature, to ventilate and articulate those views and for us to be allowed, on both sides of the House, because the

2385 Chief Minister has also made the point, to vote freely without any kind of party whip on an issue such as this, one of conscience.

**Mr Speaker:** Does the hon. mover wish to exercise his right to reply?

2390 **Hon. J J Netto:** Not as such, Mr Speaker, but I would like to say whether we can have a division of the votes when voting on this amendment.

**Hon. Dr J E Cortes:** Mr Speaker, I would like to make a very brief contribution.

2395 **Mr Speaker:** Yes.

**Hon. Dr J E Cortes:** Mr Speaker, I too will be voting against the amendment for the simple reason that my beliefs and any Prayer that I may say at the opening of a session in Parliament will never affect my position of neutrality in respect of the freedom of everyone, regardless of opinions of conscience.

2400

**Mr Speaker:** Let us make this clear before I put the matter to the vote. Does any other hon. Member wish to speak on the amendment moved by the Hon. Mr Netto.

Mr Bossino.

2405 **Hon. D J Bossino:** Simply to associate myself, Mr Speaker. I will be voting against the amendment and associate myself with your contribution earlier on today and the contribution of both the Leader of the Opposition and my Learned and Hon. Friend, Mr Caruana.

I take the Prayer very seriously. I do require, as an ordinary mortal and human being and certainly a believer, stating my Christian beliefs openly on public television in the past, as a firm believer and proud of my Catholic faith, that I do require the assistance of God Almighty when I am deliberating on important matters in this Parliament. So simply to confirm, Mr Speaker, that I will be voting against the amendment to this motion.

2410

2415 **Mr Speaker:** The Hon. Mr Reyes.

**Hon. E J Reyes:** Thank you, Mr Speaker.

I will also be voting against the amendment being proposed by my hon. Colleague. May I clarify, Mr Speaker, am I right in interpreting that you hinted from the Chair before, that those who are non-believers, because the Prayer is said, at the moment in time when the matters being taken are still... not forms part of the Agenda, that they may actually stay in the ante-Chamber and, once the Prayer is concluded, come in. If that is the case, even more so why I will vote against this amendment because, that way, I am entitled to carry on practising my Christian beliefs and, at the same time, respect and take no offence that other hon. Members may not wish to come to the Chamber until I have been able to exercise my Christianity.

2420

2425

**Mr Speaker:** The hon. mover, does he wish to say anything?

**Hon. J J Netto:** Nothing extra to add to what I have already said, other than when the vote is taken I would like to have a division of the votes.

2430

**Mr Speaker:** Being a free vote, the normal thing would be to have a division.

**Hon. Chief Minister:** Do we call a division now, Mr Speaker. I think it has to be called now.

2435 **Mr Speaker:** Yes, now.

2440

**AYES**

Hon J J Netto

**NOES**

Hon D J Bossino  
Hon P R Caruana  
Hon Dr J E Cortes  
Hon N F Costa  
Hon D A Feetham  
Hon Dr J J Garcia  
Hon G H Licudi  
Hon S E Linares  
Hon F R Picardo  
Hon E J Reyes  
Hon Miss S J Sacramento

**ABSENT**

Hon P J Balban  
Hon J J Bossano  
Hon Mrs I M Ellul-Hammond  
Hon S M Figueras

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2455

**Mr Speaker:** There are four hon. Members absent, there is one vote in favour of the amendment and eleven votes against the amendment: the amendment is defeated.

So what is now before the House is the motion, as amended and, on that motion, as amended, the only hon. Members that can speak are those who have not spoken already.

2460

**Hon. Chief Minister:** Mr Speaker, I think that it is left... it has come back to me now as an amended motion and I think that the business of the House –

**Mr Speaker:** But it does not preclude... any Member who may not have participated previously can speak, if they want to, on the motion, as amended.

2465

**Hon. Chief Minister:** Well, Mr Speaker, I think, with respect, it does but I do not think anybody else wants to speak on the motion because they had the opportunity to speak before I started my reply. This was my reply to the original motion but my only contribution now is to ask you to put the motion, as amended, to a vote.

2470

**Mr Speaker:** Very well, Mr Speaker, I will now put the motion, as amended, to the House. Those in favour? (**Members:** Aye.) Those against? Carried.

2475

**ADJOURNMENT**

**Clerk:** The Hon. the Chief Minister.

2480

**Chief Minister (Hon. F R Picardo):** Mr Speaker, thank you.  
In the context of the motion, if I can just inform the House it will be my intention to call a meeting of the Select Committee very shortly indeed, at least to start the process of timetabling the work of it.  
I now have the honour to move, Mr Speaker, that the House do now adjourn *sine die*.

2485

**Mr Speaker:** I now propose the Question, which is that this House do now adjourn *sine die*.  
I now put the Question, which is that this House do now adjourn *sine die*.  
Those in favour? (**Members:** Aye.) Those against? Passed.  
The House will now adjourn *sine die*.

2490

*The House adjourned sine die at 6.55 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 11.20 a.m.

Gibraltar, Thursday, 20th June 2013

## The Gibraltar Parliament

5

*The Parliament met at 9.15 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

10

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

15

### PRAYER

*Mr Speaker*

## Order of the Day

20

### CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Thursday, 20th June 2012.

25

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last Meeting of Parliament, which was held on 15th, 16th, 20th, 23rd May and 4th June 2013

**Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

30

*Mr Speaker signed the Minutes.*

### DOCUMENTS LAID

35

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid. The Hon. the Chief Minister.

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table: the Consolidated Fund Pay Settlements – Statement No. 1 of 2011/2012; the Consolidated Fund Supplementary Funding – Statement No. 2 of 2011/2012; the Consolidated Fund Reallocations – Statement No. 3 of 2011/2012; the Improvement and Development Fund Reallocations – Statement No.1 of 2011/2012; and the Statement of Supplementary Estimates No. 1 of 2011/2012.

45 **Mr Speaker:** Ordered to lie.

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

50 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** I have the honour to lay on the Table the Financial Conglomerates (Amendment) Regulations 2013.

**Mr Speaker:** Ordered to lie.

55 **Clerk:** The Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the Table the Report and Audited Accounts of the Gibraltar Heritage Trust for the year ended 31st March 2012.

60 **Mr Speaker:** Ordered to lie.

65 **Questions for Oral Answer**

**TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT**

70 **Ayuntamientos of the Campo  
Government payments made**

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
75 Question 442/2013, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism advise if any payments and/or donations have been made by the Government or under its instruction to any Ayuntamiento or Ayuntamientos of the Campo?

80 Just to point out, Mr Speaker, that I actually amended this in the office to read ‘can the Government’ but obviously it did not come through that way when I sent it by e-mail to the House; but I understand that the Hon. the Minister for Tourism will be answering the question in any event.

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

85 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, no.

**Hon. D J Bossino:** Mr Speaker, I am grateful for the answer.

90 Just to pursue this in one further supplementary, can he confirm that no payment has been made, whether in money terms or in materials supplied to any of these Ayuntamientos, whether by a Government-owned company or a company which provides services to the Government, under obviously the instruction of the Government? That is the question I have to the Minister. Can he confirm, just to put this issue beyond any possible doubt?

95 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman knows, I had occasion to discuss the question with him in another place, because I was quite frankly surprised as to the nature of the question. I did not

know on what premise the question was being asked and therefore informally explored with him how I could be of assistance, to see what information I could provide for him.

100 He told me at the time that the question was the question and that he just wanted to know whether any donations or payments had been given under our instruction. As I advised him, in this other place, I passed this question to my hon. colleagues to ask whether they had given any instruction on any donation to any Ayuntamiento and the answer was also no.

105 Now he is asking me whether any Government-owned company has provided any donation in kind. To be honest, I have not asked GJBS or Car Parks Ltd or Gibraltar Bus Company Ltd whether that has been the case, but that is a very specific question, given that we did have an exploratory discussion somewhere else. I wish he had asked me and I would have also made enquiries then.

But the answer to the question as drafted is no.

110 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may be of assistance, is the hon. Gentleman perhaps, because the way that his question is phrased, thinking of the acquisition of sand for Sandy Bay, for example, which involves a payment for sand? That would be caught by his question, but I do not think we quite interpreted it in that purchasing sense, but of course he will know that sand is being purchased, I do not know from which Ayuntamiento, but for the purposes of being laid at Sandy Bay.

115 **Hon. D J Bossino:** Mr Speaker, perhaps it is a matter I can raise outside of this House with the Minister later.

But just to point out, my supplementary was not just limited to Government-owned companies; it also extended to companies which provide services to the Government, almost exclusively. But I can raise that later with the Minister and maybe he can explore it further, if it assists him. I am grateful.

120

## SPORTS, CULTURE, HERITAGE AND YOUTH

125

### Gibraltar Sports and Leisure Authority Vacancies

**Clerk:** Question 443, the Hon. E J Reyes.

130

**Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure say how many vacancies currently exist within the Gibraltar Sports and Leisure Authority and by when does the Authority expect to fill these vacancies?

135

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, there is currently one vacancy for the post of Sports and Leisure Officer. This is expected to be advertised in due course.

140

### Victoria Stadium football pitch Meeting UEFA standards

145

**Clerk:** Question 444, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answer to Question No. 225/2013, can the Minister for Sports and Leisure now confirm that the football pitch at Victoria Stadium has achieved full approval and certification, thereby meeting UEFA standards for the playing of international competitions?

150

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

155 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I am happy to state that the football pitch at the Victoria Stadium has achieved full approval and certification by FIFA, thereby meeting UEFA standards for the playing of international competitions. Furthermore, the IRB has also certified and approved the pitch for the playing of International Rugby competitions.

**Parson's Lodge  
Works undertaken 2012-13**

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**Clerk:** Question 445, the Hon. E J Reyes.

165

**Hon. E J Reyes:** Further to the answer to Question No. 236/2013, can the Minister for Heritage provide full details of all works undertaken at Parson's Lodge during the financial year 2012-13, inclusive of information pertaining to costs and contractors who carried out any works?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

170

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, works at Parson's Lodge have been undertaken by Construction and Maintenance Ltd. Those works included general repairs, masonry work, welding, painting, tiling and waterproofing to exterior and interior areas. The cost was £19,350.

175

**Moorish Castle  
Works undertaken 2012-13**

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**Clerk:** Question 446, the Hon. E J Reyes.

185

**Hon. E J Reyes:** Further to the answer to Question No. 236/2013, can the Minister for Heritage provide full details of all works undertaken at Moorish Castle during the financial year 2012-13, inclusive of information pertaining to costs and contractors who carried out any works?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

190

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, works at Moorish Castle has been undertaken by Construction and Maintenance Ltd and Profield.

Construction and Maintenance Ltd was £8,820, of which they did: removal of the wooden trellis; repair existing railings and installation of extra railings to comply with Health and Safety; painting of the floor terrace; repairing and painting the wooden terrace doors.

195

Profield: the sum was £10,075.59. This is still an ongoing project of which three original quotes were requested: ticket office extension to provide a staff room and kitchen for the site officers; relocation of existing toilets.

200

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. Minister know if the timbers from the former gallows that were used in the prisoner's clubhouse, have they been preserved? Does the Hon. Minister know anything about this?

205

**Hon. S E Linares:** I am afraid I do not have any indication of that but, Mr Speaker, since she has asked, I will find out myself to see, just out of interest for myself and her.

**HEALTH AND THE ENVIRONMENT**

**Government website statistics on Health  
Updates**

210

**Clerk:** Question 447, the Hon. Mrs I M Ellul-Hammond.

215

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise when the Government website statistics page on Health will be updated for figures, in some cases for the latter half of 2012 and for 2013?

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

220 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Government's website statistics specifically on Health are now all updated.

225 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when was it updated? Just this last week, yesterday, or is it in the process of being completed today? Because they were not all completed by yesterday, I believe.

**Hon. Dr J E Cortes:** Mr Speaker, they have been in the process of being updated over the last couple of weeks. I was informed yesterday evening at about... well, I cannot exactly remember the time, that they were all updated.

230 So that is the information I was given as of yesterday evening when I specifically checked so that I was confident that the answer was correct. If there are any missing, then it must be an administrative delay, but I was told yesterday that they were all updated.

235 **Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say why they had not been updated on a regular basis?

240 **Hon. Dr J E Cortes:** Mr Speaker, no specific reason. I believe it was just the administrative process of getting the statistics together and online. I think that these things will happen and hopefully in the future there will not be delays of this nature, but I do not see anything other than administration processes, having to compile the statistics and putting them in the proper format. It is additional work to other work that is being done by the same officers.

#### GHA's new Chief Executive Officer Terms and conditions

245

**Clerk:** Question 448, the Hon. Mrs I M Ellul-Hammond.

250 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise what the contract for the new Chief Executive Officer of the GHA is: i.e. the terms and conditions and length of tenure?

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

255 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the new Chief Executive will retain his Permanent and Pensionable status.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Chief Executive have specific targets to meet?

260 **Hon. Dr J E Cortes:** Mr Speaker, the Chief Executive will take on his duties on 1st September. At the moment, he is both undertaking his current duties as Director of Nursing Services and undertaking training and induction. The job profile and job description at the time of advertising had a number of targets and therefore those targets would be his targets.

265 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the Hon. Minister send me a copy of the advert for the Chief Executive to check those targets, because it was not advertised in the media?

**Hon. Dr J E Cortes:** Mr Speaker, these are documents which are in the public domain, but I have no problem in facilitating.

270

#### Cancer Relief Centre Services offered

275

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

280 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state what services the GHA will be offering at the new Cancer Relief Centre in partnership with the charity, Cancer Relief Gibraltar?

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

285 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the services to be provided by the GHA to the new Cancer Relief Centre is currently the subject of discussion between the two entities.

It already includes the secondment of a co-ordinator, provision of meals and technical support for equipment.

290 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are there any plans for an in-house Hospice service, with the support or employment of a part-time GP with an interest in palliative care?

295 **Hon. Dr J E Cortes:** Mr Speaker, this is one of the matters that is being discussed. The society in building or refurbishing the building made provision for Hospice, which was a long-term plan for them. The question of a GP service is a separate one, that is something that they wanted to bring in nearer to the opening date and these are the matters that we are currently discussing as to how we can assist in achieving these aims. We are in the middle of discussing the various requirements that they have and the costings and so on.

300 **Hon. D J Bossino:** Mr Speaker, can the Minister give an indication as to when he thinks that the... He says that he is currently in the middle of the negotiations and discussions: can he give an indication as to when he thinks he will be at the conclusion of them?

305 **Hon. Dr J E Cortes:** Mr Speaker, by 'the middle', I was not saying that it is exactly half way through. I know that is not the implication of the hon. Member. No, we have been in discussion for maybe a couple of months and I would like to see progress. I have learned in the 18 months here that it is very dangerous to specify any time, but I would say a couple of months.

310 We are quite close to knowing what they want and to getting the costs and now it is a question of seeing how we can achieve it. Obviously, we will provide as much support as we possibly can, because it is a service that we want to support.

**Hon. D J Bossino:** Mr Speaker, the Hon. Minister has referred to costs on two occasions. In terms of that consideration, is he able now to give the House a figure as to beyond which he would not go, in terms of providing the services, Mr Speaker?

315 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that would be fair. We are already, as I said, providing a co-ordinator, we are providing meals, we are providing technical support for any equipment and that is not something that we are particularly costing; that is something that we undertook in order to... and these were things that had to be put up in front of the premises opening. They needed the co-ordinator, they needed to know they were getting meals, they needed to have the knowledge that their technical equipment would be looked after, so that was all put up, up front, without any hesitation.

320 But going into the cost of a Hospice, how many beds, what kind of cover do you need, what kind of medical cover do you need: those are complicated calculations. Decisions will be taken as to whether they want to go for the full potential, whether it is something that they want to introduce, there are discussions with an independent organisation and I do not think it would be fair for me to give details now when we are still talking. There is nothing particularly that anybody need worry about; it is just that we need to determine what is the level of support we are going to give.

330 **General Medical Council  
Registration plans for doctors**

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

335 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise as to the new General Medical Council (GMC) registration plans for doctors in Gibraltar?

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

340 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, they are currently under development.

345 The strands of work include (a) preparation of local doctors to register with the GMC; (b) amendment of the law to include revised procedures for medical regulation; and (c) preparation of GHA structures to comply with regulatory requirements.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say if this will apply to all doctors practising in Gibraltar or just to GHA employed doctors?

350 **Hon. Dr J E Cortes:** Mr Speaker, a lot of work is going on in this respect. The Director of Public Health gave a presentation to all doctors in Gibraltar several weeks ago, so we want to facilitate the possibility of GMC registration to all doctors in Gibraltar. GMC registration is not a requirement to practise in Gibraltar at the moment and it is probably... it is likely that we would not require GMC registration for all doctors in Gibraltar, including private doctors; but it is equally likely and it is a  
355 manifesto commitment that we will require GMC registration for all doctors employed in the public sector.

We are in the process of discussions with the GMC, I am expecting to go to their headquarters in London in July to take these discussions forward and it is in the process of development. But what I want to end up with, Mr Speaker, is a regulatory legislation which is not like the current one which is confusing. There are two Acts: one which says one thing and another Act which says something completely different. In fact, there are occasions where one doctor would be registerable under one Act and not registerable under another Act and these are things that we cannot have on our statute book.

360 So we are taking the opportunity of the GMC's requirement for revalidation to take all this on board and, in discussion with the GMC, come up with a regulatory legislation that will satisfy us all and particularly will improve and guarantee an improved standard of medical care in Gibraltar.  
365

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the revalidation process then be conducted locally, overseen by a local regulatory body, or directly from the UK, with visiting GMC individuals conducting that revalidation process?  
370

**Hon. Dr J E Cortes:** Mr Speaker, there are two challenges here. One is the long-term challenge of having the Gibraltar Health Authority accepted as the body which can do its own revalidation and that is one strand that we are following in our discussions with the GMC. We have to look at the way our medical registration is carried out, at the way that our own doctors are appraised, so we have a lot of work to do there because the system is not at all satisfactory. So that is one challenge for the Health Authority to take on this.  
375

But the more immediate challenge is for those doctors who have to revalidate within the next couple of years, before we have been able to improve our systems to allow the GMC to recognise us as an organisation. We are talking to the GMC and to responsible officers, as the GMC requires, for the possibility of them coming over to Gibraltar and be recognised as suitable persons by the GMC, so that in the short term our doctors can be revalidated, until we get the organisation in a position that we can have an arrangement with the GMC that we can do our revalidation ourselves.  
380

385 So there are two parallel strands, so that we get short-term revalidation of doctors in employment now, and the organisation can then take us on board in the years ahead.

#### Diabetes Strategy Details

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

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say what the new Diabetes Strategy is, as he said it was nearing completion, as part of his Budget speech last year?  
395

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, in line with the Government manifesto commitment and in order to provide services for the very large numbers of people in our community who suffer from diabetes, the GHA has increased the Diabetic Team complement to two full-time posts.  
400

Further improvements to the Diabetes Service are being prepared.

405 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say if the adult diabetes nurse specialist has been replaced or a replacement found for her?

**Hon. Dr J E Cortes:** Mr Speaker, I believe – and this is not specific to the question, otherwise I would have had that information – we are in the process. Certainly, we have doubled the number of adult diabetes nurses and we will also be providing training in the future – well, in the future, because it has not happened yet, but in the short-term – for a full paediatric post working at Rainbow Ward.

Whether the actual person has been recruited, I am afraid... I can find out and I will certainly provide the information.

415

**A&E Department  
New doctor**

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

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the new doctor for the A&E Department will be employed and whether it will be a consultant or a non-consultant hospital doctor (NCHD)?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the process of preparing a job description, working out rosters and the level of recruitment, is being finalised. It is envisaged that this time the post will be at a very senior level.

430

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister be more specific as to ‘senior level’? Is it a consultant or an associate or a non-consultant?

435 **Hon. Dr J E Cortes:** Mr Speaker, it is likely that it will be a consultant. It is possible that it could be an associate specialist, which is also a very senior level. It will not be a junior NCHD.

440 **Public Health and Healthy Living  
Initiatives taken by new Government**

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

445 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say what has been done that is new for Public Health and Healthy Living, not done by this Department before 9th December 2011?

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

450 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the following is some of the work that is new since December 2011.

Publication of the Health and Lifestyle Survey: Gibraltar’s first ever Health and Lifestyle Survey was conducted in 2008, but funds for analysis were only made available in 2012. This work occupied the bulk of the following 18 months.

455 The substantial Report which is shortly to be published is the largest ever commissioned and produced by the GHA on the population’s health. It runs to 250 pages, has over 45,000 words, with content presented in 29 chapters and supplemented with over 230 charts and tables to illustrate the text. This work has all been done since then – the preparation of the actual Report.

460 This very detailed and comprehensive Report will primarily serve as a source of reference and be made available from libraries and on-line. To disseminate the key messages, the Public Health Department has produced a slim 16-page booklet capturing the essence of the Report in a user-friendly format for wide distribution to all households.

The striking findings thrown up by the Survey will form the substantial basis of Gibraltar’s future Health Improvement Strategy.



465 The Smoke Free Environment Act, which came into force on 1st October 2012 – such a short time ago, Mr Speaker, only about six... well, a bit more than that, eight or nine months ago – formed a significant milestone in the history of public health in Gibraltar.

470 It was the first time that passive smoking was officially acknowledged as a major health risk. The general welcome and acceptance by the public was a striking demonstration of how society has moved with the times in taking health matters seriously.

The Public Health Department geared itself to support me with public education and information initiatives and, at very short notice, achieved the following: production and distribution of a Public Information Leaflet; distribution of a list of Frequently Asked Questions through the press and media; printing and distribution of several posters for public places.

475 The GHA's first ever Stop Smoking Service, launched in November 2011, proved to be extremely popular and became oversubscribed with a waiting list, but was partly disabled by a prohibition on nicotine replacement therapy prescribing. This has now been relaxed, since December 2011, and quitters can get the full range of treatment. It is intended to add further resources for this service in line with the manifesto pledge to introduce 'a GHA programme to help those who want to stop smoking to do so.'

480 On health education, the Health Promotion Department has been working with the dieticians to develop local initiatives on reducing overweight and obesity. This is a significant problem in Gibraltar, as revealed by the Health and Lifestyle Survey and as identified in the Government's manifesto for health as an area for further engagement with the community.

485 Several resources for public health education have been produced in-house by the Department. These include: a leaflet on the MMR vaccination – a public education leaflet for parents to promote vaccination to prevent mumps, measles and rubella, which are important childhood illnesses – in 2008 a huge measles outbreak in Gibraltar affected 280 young persons; a leaflet on norovirus, intended for distribution by Infection Control teams and others to the general public and for use as a teaching aid; a booklet on breastfeeding intended for distribution by Maternity and Child Welfare Services to mothers of newborns; a leaflet on formula feeds, intended for distribution by Maternity and Child Welfare Services to mothers of newborns; a booklet on weaning, starting solid food, intended for distribution by the Child Welfare Service to mothers of infants.

The last three, when taken together, form a portfolio of linked resources for new mothers.

495 After many years, the Public Health Department broadcast its first infomercial on GBC Television, encouraging adults to quit the smoking habit and presented through the voices of children. Further infomercials are under preparation.

Another initiative has been the delivery of interactive workshops at the children's summer sport programme last year; and other initiatives are in the planning stages.

500 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the Hon. Minister explain again what the plans on targeting obesity are or have been implemented by the Department?

505 **Hon. Dr. J E Cortes:** Mr Speaker, the Health Promotion Department has been working, as I said in my answer, with the dieticians to develop initiatives. These initiatives are being developed and, in the context of the Health and Lifestyle Survey soon to be published, I am talking about within a couple of weeks. These will then take on, as a result of that. I do not have the specific details of what the campaigns involve.

510 **Hon. D J Bossino:** Mr Speaker, in relation to leading a healthy lifestyle, I seem to recall that the Hon. Minister said that he was going to be leading by example in relation to that. (*Laughter*) I just wanted to know, just to lighten the mood a bit, whether he is making any progress in that regard?

515 **Hon. Dr. J E Cortes:** Mr Speaker, the hon. Member has obviously been reading *The New People*, (*Laughter*) when it made a mention of that.

Mr Speaker, I will be addressing that in my Budget speech next week, so I would rather keep him in suspense until then.

520 **Hon. D J Bossino:** Mr Speaker, no doubt the Opposition benches will be waiting with baited breath for that speech – it is not good... probably not good... that probably does not do much for my healthy living either.

525 Mr Speaker, just by way of clarification and if the hon. Member could indulge me and confirm that the Health and Lifestyle Report, the new one which is due to come out and is currently being prepared, presumably it does not rely at all on any of the information which was gleaned and researched as a result of the 2008 Report?

**Hon. Dr. J E Cortes:** Well, Mr Speaker, the Survey that is going to be published is the Survey that was done in 2008. What happened is that, after 2008, the Survey was carried out and no progress was made: it was just left there as data sheets, basically, or a database or whatever.

530

What happened in 2012, faced with that, I took the decision to provide the funding to compile it all into a report and to publish it, because having it in a file somewhere was no good whatsoever. So the Report... the Survey was carried out in 2008; the actual initiative to publish it was last year. So it is that same Survey.

535

**Environmental Assessment Report  
Provision to Mr Netto**

540

**Clerk:** Question 454, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer to Question No. 209/2013, can the Minister for the Environment provide me with the Environmental Assessment Report which he did say he was going to provide me with but has not done so yet?

545

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, sir.

550

**Hon. J J Netto:** Well Mr Speaker, given the fact that I raised this at the last month's session, I still have not got it. Has he got it with him? Is he going to pass it over?

And one other thing which I did mention last month was that if he was willing to provide me with it in electronic form and he also said he was going to do so. Is that forthcoming?

555

**Hon. Dr J E Cortes:** Mr Speaker, this Report is now in the public domain. It is available for inspection from the Town Planner. But in any case, as I undertook, it should be on its way to him during the course of the day. But it is available, it is a public document and it is available at the Town Planning Office, in any case.

560

**Environmental projects  
Tenders to Official Journal of the EU**

565

**Clerk:** Question 455, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if there are currently any tenders that have been forwarded to the Official Journal of the European Union on environmental projects or likely to be sent in the following 60 days and, if so, say what the projects or services they are for?

570

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, tenders that are currently open with the OJEU are the tender for the new power station and the tender for the new waste treatment facility.

575

**Solar panels for Tercentenary Hall, Dr Giraldi Home and Tangiers Views  
Installation details**

580

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

585

**Hon. J J Netto:** Mr Speaker, further to the answer to Question No. 250/2013, can the Minister for the Environment say if the Tender Board has now convened and made an award for the solar panels to be installed at the Tercentenary Hall, Dr Giraldi Home and Tangier Views and, if so, provide the following information: (a) the name of the company that has been awarded the tender and for what price; and (b) the name of all the other companies that made a bid and the price submitted?

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

590 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Tender Board met on 18th June, the day before yesterday. I am not aware yet of its decision.

595 **Hon. J J Netto:** Mr Speaker, could I perhaps ask the Hon. Minister, given that if the Tender Board only met recently on 18th June, that as soon as he is able to know the decision of the Tender Board and as soon as presumably the Government approves the decision of the Tender Board, if he will be willing to pass the information contained in my question to me?

600 **Hon. Dr J E Cortes:** Mr Speaker, my advice from the Procurement Department is that the *number* of unsuccessful applicants will be made public. It is not possible to disclose information about who these applicants are, nor the prices submitted in the tender bids, as this information is commercially sensitive.

605 **Hon. J J Netto:** Well, Mr Speaker, yes, I do take on board that it will be made public in due course within the machinery of the Government, when they presumably publish these in the *Gazette*. But given that that will probably take a long time, what I am asking basically the Minister is that, rather than having to wait from the Opposition benches until such a time as it is published in the *Gazette* or the *Chronicle* or whatever, whether the information can be passed on to me as soon as it is reasonably possible, when he has the information given to him.

610 **Hon. Dr J E Cortes:** Mr Speaker, I do not know what the hon. Member's hurry is. The people who submitted the tender do not yet know. This has to go now to the Treasury Board for approval in the normal process that the hon. Members opposite will know. There is a process to be followed and it should not take that long.

615 I just do not see the necessity to provide that information in advance of when it is available. As I say, not even the people who submitted the tender know yet.

#### **New Power Station Environmental Impact Assessment**

620 **Clerk:** Question 457, the Hon. J J Netto.

625 **Hon. J J Netto:** Mr Speaker, although normally I do not tend to project my voice out loud, obviously that is a skill that normally teachers seem to have and, on this particular occasion, I have got a cold. Probably that makes matters even worse to that effect, although I will try my best.

Mr Speaker, in relation to the question, has the Government already carried out an Environmental Impact Assessment for the proposed new Power Station?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the EIA for the proposed new power station has not yet been carried out. Government is in the process of identifying a suitable entity to do so.

635 **Mr Speaker:** May I, for the benefit of the hon. Member, say there is no particular problem when he is asking the actual question; it is during the course of supplementaries when obviously the House needs to hear the exact question. Right.

#### **New marina berth for boat owners Provision of information**

645 **Clerk:** Question 458, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide me with the information asked for in my letter to him on 23rd May 2013 with regard to the new marina berth for boat owners?

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

650 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, my prepared answer said that the information would be available shortly, as environmental statements are published.

But I now believe that the information is in the public domain, again with the Town Planning Department, and therefore there should be no problem in the hon. Member accessing that information.

655 **Hon. J J Netto:** Mr Speaker, can I just once again say whether the hon. Gentleman would be willing to provide me with the information not just in paperwork, but also in electronic form?

**Hon. Dr J E Cortes:** Mr Speaker, I am getting asked repeatedly to act almost as the hon. Member's secretary in sending him all publications of everything that is available.

660 This information is available at minimum effort. If that minimum effort is too much for the hon. Member, then I will take whatever steps I have to take, in order to make sure that he has them; but it is a situation that it is information that is clearly available and on every occasion, I either get asked here or get a letter, asking me to provide information to the hon. Member that he is very capable of picking up himself.

665 There are other things that a Minister has to be involved in, other than forwarding e-mails with copies of publicly available documents. It is not that I do not want the hon. Member to have that information, but I get repeatedly asked to physically get the information myself and hand it over, and I think that is a little bit too much to request.

670 **Hon. S M Figueras:** Mr Speaker, just as a point of clarification, could the Hon. Minister say when the information was made public?

**Hon. Dr J E Cortes:** The information specifically on the marina has been around for a while. Perhaps the Hon. Mr Licudi could assist – it is a project that he has been leading on.

675 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, my recollection – and it is only a recollection – is that the information has been publicly available since approximately three weeks before 14th June. The 14th June was the deadline for the return of remarks or comments in relation to the project for the purposes of the DPC, and my recollection is that it was available three weeks before that, because that is the time limit that is required.

#### **Two protected and endangered species Possible effects arising**

685 **Clerk:** Question 459, the Hon. J J Netto.

690 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide me with information solicited in my letter to him on 20th May 2013 with regard to the possible effects of two protected and endangered species, arising from a public and private project?

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

695 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I would just like to add that I did acknowledge the letter the following day. The letter is now ready and although my prepared answer says 'will be with him shortly' – I would add, very shortly – I have it here and I will hand it over to him.

700 The hon. Member copied the original letter to yourself, Mr Speaker, and to the Hon. the Leader of the Opposition and copies will be sent to you both, to yourself and to the Leader of the Opposition during the course of the day.

705 The original letter was not made public, so I have no intention of reading it out here. I had it ready some time ago but as the question had already been asked, I thought it would probably be best in order not to then be accused of having usurped the fact that the question had been asked, to quickly hand over the letter, so I thought I would bring it here and hand it here myself.

710 **Hon. J J Netto:** Mr Speaker, can I perhaps just say, given the amount of detail that I am requesting is so much, that perhaps it would be more useful and practical for Parliament if I just get the letter, we move on to the next question and when I get a proper chance to look at the information provided against the question I set, I may or may not then try to come back to this particular question and ask supplementary questions. Would that be more useful to Parliament?

715 **Chief Minister (Hon. F R Picardo):** If I may, the question that the hon. Gentleman has put is ‘when are you going to answer my letter?’ The answer is, ‘here is the answer’, and I would ask that you consider very carefully whether the hon. Gentleman is now allowed to go through the letter and ask supplementaries on it.

720 With the very greatest of respect to the hon. Gentleman, I do not think he will be able to persuade you that these are matters that arise from the question, although of course he can ask further questions of the Minister in the ante Chamber if he has got any queries in the way that the letter has been put to him, and at the next Question Time, he can put such questions as he wishes arising from the letter.

720 But having chosen the medium of correspondence to raise his concerns or ask those questions, I do not think it would be appropriate to consider any questions arising from the substance of the letter as supplementaries.

725 **Mr Speaker:** Let me explain to the hon. questioner what the position is.

725 Supposing he asks, ‘Will the Government make available a copy of a certain report here in the House?’ – that is his main question, say – and the answer is ‘Yes, sir, I will now hand over a copy of the report’, that does not mean that the hon. Member can then pursue, in the course of supplementaries, the contents of that report, because the original question is asking, ‘May I have a copy of the report?’ The answer is ‘Yes, here is a copy of the report.’

730 So it is not the time then to pursue the question of supplementaries. The procedure that I think the hon. Member should then follow is: he has been given a copy of the letter, he can study the letter and he will have an opportunity to put on the order paper whatever questions he feels are necessary on another occasion. In fact, another occasion could even be next week, because he may well consider that it is a subject that he can also raise during the debate on the estimates.

735 Does he understand what the position is?

740 **Hon. J J Netto:** Yes I do, and I am grateful, Mr Speaker, but can I just... without having had the opportunity to look at the content of the Hon. Minister’s letter, could I ask him whether, given that my letter to him did ask for copies of the minutes of the Nature Conservancy Council in relation to this subject matter, is this something which is forthcoming or something that your letter addresses?

745 **Hon. Dr J E Cortes:** Mr Speaker, the next question refers to minutes of the Nature Conservancy Council in the context of the Fishing Report. My answer to his supplementary now is identical to the answer that I am about to give. I can give it now and later, or now and not later, or later and not now, but essentially, Mr Speaker, the answer is that I will not make those minutes available.

**Mr Speaker:** But, that is the subject of the next question, so why does he not ask the next question, Question 460.

750 **Clerk:** Question 460 –

755 **Hon. D J Bossino:** Just by way of clarification to what the Hon. Chief Minister said: the original question is not simply ‘Has the Hon. Minister replied to my letter of 20th May?’ In fact, what it seeks is whether the Minister for the Environment can provide him with information solicited in the letter.

755 I can understand there has been a crossover, because there has been a letter and then there has been this question, and the Minister for the Environment has quite rightly chosen to respond to the letter and he has provided us with a copy of the letter.

760 I think he mentioned, and I stand to be corrected, something about ‘because it has been the subject of correspondence between the two Members, it could contain some confidential information or something which should not be read out publicly in the House’ and he has chosen to do on that basis, but to simply clarify –(Interjection) Just to finish, Mr Speaker, simply to clarify the position, Mr Speaker, the question was not ‘Has the Minister responded to my letter?’ or ‘When will the Minister respond to my letter of 20th May?’; the question is ‘Can he provide the information which I solicited in my letter of the 20th May’, so that it could have been in the Minister’s gift to have responded in the terms that he chose to respond in a letter in this House and then that would have given my hon. colleague the opportunity to ask supplementary questions on it.

770 **Hon. Dr J E Cortes:** Mr Speaker, if I may just comment, I did not mean that there were confidential matters. What I said was that the letter originally had been sent to me and had not been in the public domain and therefore my response I also hand over to him and I do not read out. I am not worried about it being in the public domain, but in the same way as the previous and earlier letter that the hon. Member sent me was published before I received it and I published the reply, in this case the hon. Member did not publish it and therefore I felt that I should not publish the reply either. That is what I meant.

775 **Hon. D J Bossino:** Mr Speaker, as a point of clarification for the future, if one writes a letter to an hon. Member opposite and a response is not forthcoming by the time that we are asked to file questions in this House, presumably the Opposition is enabled in those circumstances to pose a question even before we have had a response, which is exactly what has happened in this case.

780 It is just that the Hon. Minister has chosen to respond to the letter instead of responding to the hon. Gentleman's question, which he could have more than reasonably done, on the basis of the main question as drafted.

785 **Mr Speaker:** But supposing that the letter was in the mail. If the Minister's Department mailed a letter to the hon. Questioner and he has not received it by the time we are here in the House, he is not able to pursue the matter, is he? His question would then say, 'Can the Minister provide...?' and the Minister would say, 'The letter is already in the mail.' Now, how is then the questioner able to deal with the subject matter of the letter if he has not received it?

Here the Minister is making it available to him, in response to the question.

790 **Hon. Chief Minister:** If I may also, Mr Speaker, just add, the letter – I believe I have seen it – is a page and a half, or two, and questions here need to be literally one-line questions. So it would have to become 10 questions in this House, but of course the hon. Members are entitled to ask those same questions which they have asked in correspondence in the House, if they want them to be aired publicly and if the correspondence is going to be considered to be *inter partes* confidential correspondence.

795 **Mr Speaker:** I have a copy of the letter, it is nearly two pages and as I said the hon. Member can pursue the matter at a subsequent meeting. I do not think there are too many crabs, or endangered species that are going to pass away in the meantime for lack of clarification.

800 As I say, the debate on the Estimates is always a very wide debate, the speakers are always very liberal and I will be pretty liberal as well, and there is no problem. I am sure the Hon. Mr Netto can raise these matters in the course of the debate on the Estimates of Expenditure.

805 **Fishing Report  
Nature Conservancy Council minutes**

**Clerk:** Question 460, the Hon. J J Netto.

810 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide Parliament with the minutes of the meetings of the Nature Conservancy Council where the issue of the Fishing Report and its management has been discussed?

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

815 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no, sir.

**Hon. J J Netto:** Mr Speaker, can the Hon. Minister provide an explanation why this is not possible?

820 **Hon. Dr J E Cortes:** Mr Speaker, maybe the hon. Member could provide me a reason why it is necessary. Mr Speaker, this is confidential information by a statutory body, my statutory advisers giving the Government technical information and giving the Government recommendations, a process of discussion and it is information which I do not believe should be in the public domain.

825 In any case, Mr Speaker, as I have said, I think in answer to a question in the last sitting, or perhaps the previous one, I now meet with the Nature Conservancy Council regularly, monthly or every two months. During the time that the Party opposite was in Government, they never met with the Nature Conservancy Council once, so their interest in their advice now, when they are in Opposition, is astonishing, (*Interjection*) given that when they were Ministers and their advice would have been valuable and beneficial, they barely recognised the existence of the Nature Conservancy Council.

830 **Hon. J J Netto:** Well, Mr Speaker, we are not talking about the past; we are talking about the present and the present is that I am the person in the Opposition who asks the questions and the Minister is the one who answers them.

835 Now, can the Minister say, given that he is not willing, given the categorical statement that he is not willing to provide the information because I think he said this is technical information available to himself, whether he has taken any legal advice to determine whether that infringes... I cannot remember

exactly now the wording of the EU Directive in relation to access to environmental information by members of the public.

840 **Chief Minister (Hon. F R Picardo):** Sorry, the hon. Gentleman seems to confuse apples and pears too often. One thing is to have access to information and another is to have access to advice and to minutes of confidential meetings.

845 I know the hon. Members are used – or some of them are used – to being in Government for 16 years and I understand what a wrench it has been for them not to be in Government, but they are not going to be given minutes of meetings that Government have behind closed doors; otherwise, Mr Speaker, how long is a piece of string? Is the hon. Member going to then ask me for the minutes of my meeting with the Hon. the Minister for Tourism to discuss how we are going to further beautify the Upper Rock given the state in which we found it on 9th December 2011?

This is not something that is conducive to a collegiate approach to Government and Opposition.

850 I think that we are demonstrating, and in particular this Minister, when he gives over information which is in the public domain to facilitate to hon. Members with the information that we give in this House and that we provide on our websites, that we are providing them with a lot more information than they were entitled to.

855 But I would remind him of this, because he was Minister for the Environment, that when I used to ask questions about the culling of the apes, and about whether the Nature Conservancy Council had been consulted on the granting of licences and what had been talked about when the licences were granted to cull apes, I was told that I was not going to be given that information by the previous administration.

860 So in these circumstances, Mr Speaker, the question of giving these minutes, and whether we have taken legal advice on whether these minutes have to be provided, I put it to the hon. Gentleman is one which he is confusing with the obligation to provide access to information on and the advice that a Minister is being given by a particular council set up for that purpose.

**A Member:** Hear, hear.

865 **Hon. J J Netto:** Mr Speaker, the Hon. Chief Minister can stay quite relaxed that I will not be asking him for minutes of any meetings that he has with any of his Ministers in relation to any of the subjects for which he is responsible. That is a different matter altogether to the issue that I am raising now.

870 What I am raising now is that my view, which could be wrong – this is why I ask whether the Hon. Minister for the Environment has taken legal advice – is that there is a legal requirement to provide members of the public or the press or the Opposition environmental information. I believe that those minutes, if requested by members of the public, by the press or the Opposition, should be made public. I may be wrong, but I am asking the Government and they have not given me an answer, whether they have taken legal advice on this aspect.

Could I have an answer to that question?

875 **Mr Speaker:** With due respect, if you are going to ask the Government for that kind of information, whether legal advice has been taken or not, you should make that the subject of a specific question. You should not bring that... it is not a matter that arises from the original question.

880 It is an important issue, it is a detailed issue, it has to do with legal advice and if the hon. Member wants to know about that, he should put a specific question on the order paper, because it does not arise from the original.

885 **Hon. D J Bossino:** Mr Speaker, in fact, I think with respect, it does arise from the answer given by the Hon. the Minister. The original question was: is the Minister able to provide us with the minutes of the meeting of the Nature Conservancy Council, which dealt with the issue of the Fishing Report and the management having been discussed and the answer was – I am paraphrasing – no, and in fact, in the supplementary, he said that, I believe that I do not have to provide this information. I think it was following on from that answer, the hon. the Member for the Opposition for Environment has simply asked ‘Have you taken legal advice in relation to the legal correctness of that answer?’

890 So I think, with all due respect to the Chair, I think it is a question which *absolutely* arises from the answer given to the supplementary.

895 **Mr Speaker:** But then the hon. questioner is widening the whole input of the question by bringing the public into it. We have a question as to whether certain information can be provided to Parliament and then whether it can be made public, which is a separate matter.

For information... there is information provided to Parliament in confidence. This happens. Members of Parliament receive information in confidence and there is other information which they do not receive information in...

Any other supplementary on this issue?

900 **Hon. S M Figueras:** Mr Speaker, with respect and I do not want to labour the point too far – it is, with respect to the Chair, not...

Mr Speaker, my hon. Friend, the Opposition Member for the Environment is not seeking to widen the scope in any event. With respect, all he appears, certainly from this side of the House, to be eliciting is whether the reply that the minutes will not be shared with the Member or this House is as a matter of policy or as a matter of legal advice. It will go no further than that, Mr Speaker, and that is the limit of the scope of the question.

**Mr Speaker:** Are the Government in a position to answer that supplementary?

910 **Hon. Chief Minister:** Mr Speaker, I think that this threatens to become a very wide debate on what advice Government takes whenever a question is answered.

The position is very clear, the hon. Member has said that the Minutes will not be shared because this is a statutory body that gives him advice.

915 The hon. Gentleman has raised an issue which he raised if you will recall at the last Parliament as well, when he referred in a very lengthy supplementary to what obligations were under European Directive. If I may, and I know that there have been what I can only call two appeals against your very clear ruling, I think you were very clear in saying to the hon. Gentleman ‘Look, if you want that sort of question answered, put a supplementary.’

920 The hon. Gentleman may be able to tell him, for example, ‘Well, I have not taken any legal advice, but it may be that on the file there is already legal advice as to whether this information should be shared.’

What is advanced by the hon. Gentleman being told if one particular Minister has taken legal advice on questions?

925 But Mr Speaker, I put it this way, if that is the sort of tenor of supplementaries that is going to be allowed, we are going to need at least the 20 days’ notice of questions, because if we are going to have to take legal advice on whether we should or should not answer each question, and what information we should give, hon. Members are really going to put the Parliament in a very difficult position.

930 **Hon. D J Bossino:** Mr Speaker, just as a point of clarification, I think your advice or your ruling was that if that is the type of information which the Opposition seeks from the Government, one ought to set it out in an original question, not in a supplementary, as the Hon. the Chief Minister has just pointed out, because I think the Chair was saying that we would then be disallowed to ask supplementary questions which do not arise from the original question, which of course we as an Opposition do not agree with.

935 **Mr Speaker:** There are occasions undoubtedly when the Government will not provide, will not make certain information public as a matter of policy. The Government is able to do that.

On the other hand, the Government sometimes has certain obligations in law and it would be only in that instance where they might have to take legal advice as to whether that information can be put in the public domain or not.

940 I am not saying that it is not wrong for the hon. Questioner to be seeking that information as to whether the Government has taken legal advice or not; what I am saying is that at this specific moment, if the Minister has not taken legal advice on the matter, he may not be able to deal with that.

945 **Hon. Chief Minister:** Mr Speaker, can I propose a way out of this impasse for all parties, which is that the hon. Gentleman be invited to put a supplementary in a different way, which is simply to invite the Minister to take legal advice on whether the information should be shared under the Directive?

Then I am quite happy for the issue to be looked at in that way and this afternoon, if possible – if the hon. Member can speak to the Attorney before this afternoon – we may be able to give the House an answer and then resolve the issue for the future.

950 **Hon. D J Bossino:** Mr Speaker, I think that is precisely where my mind was going, because all we have had from the Minister is that he believes he does not need to provide this information. I think it is perfectly legitimate, maybe not in the way that has been posed by my hon. Friend, Mr Netto, in connection with the statutory obligations under the relevant environmental legislation provide information, but maybe slightly wider as to whether the Minister has taken legal advice, as to whether he is bound or not bound to provide this information publicly and certainly to the Opposition in this House. I think it is a way out.

**Mr Speaker:** We will proceed along those lines.



960 **Hon. J J Netto:** Mr Speaker, could I therefore...

**Mr Speaker:** Yes, by all means.

965 **Hon. J J Netto:** Can I therefore take the kind offer of the Chief Minister and pose the supplementary question to the Hon. Minister for the Environment.

**Hon. Chief Minister:** Take it as read.

970 **Hon. J J Netto:** I will take it as read; and can I also add to his question, once he gets the legal advice, whether we can get a copy of such advice.

975 **Hon. Chief Minister:** Mr Speaker, I think unfortunately, my attempt to be collegiate I feel is being stretched a little bit here. I am afraid I have to tell the hon. Gentleman that we will give an answer to this House, but we will not share the advice. Again, I think that is a slippery slope which the Government cannot embark on.

980 **Mr Speaker:** I think the principle that the Government wants to safeguard is that legal advice given to a Minister cannot be shared. That does not mean that reference cannot be made to the legal advice that has been given. That yes. Alright. They will provide the basis of what that legal advice is, but the actual legal advice cannot be made available, it is a confidential document.

**Hon. Chief Minister:** Mr Speaker, can I just ask whether this does away with their argument that there are not already too many lawyers in Parliament?

985 **Hon. D J Bossino:** Mr Speaker, I will simply ignore that remark. There is nothing wrong with being a lawyer, of course, and I think it assists in many respects, but that is a different matter.

990 Mr Speaker, I think what the Chair has just said, what you have just said is absolutely right. What we would want is not simply an answer saying, 'Yes, we received legal advice', but also we would be very grateful for the basis of that legal advice. I am grateful, but of course we appreciate that any advice which the Government receives as a client is confidential between advisor and advisee.

995 **Mr Speaker:** I am informed that the cameras are going haywire because we are all interrupting each other and not waiting for a Member who holds the floor to switch off, or for the Speaker when he holds the floor to switch off, before another Member intervenes, so I think we have to take things a little bit more sedately.

#### Litter

1000 **Tickets issued since 11th December 2011**

**Clerk:** Question 461, the Hon. J J Netto.

1005 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say, since 11th December 2011, on how many occasions have litter tickets been issued, either by the RGP, the Environmental Agency, or any other entity on a monthly basis, stating by individual organisation the number of tickets issued and the number of fines arising from the issuing of such tickets?

1010 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is contained in the schedule I now hand over.

**Answer to Question 461/2013**

Litter Tickets are issued by the Royal Gibraltar Police (RGP), Highway Enforcement Officers (HEO's) and the Environmental Agency (EA).

Litter Tickets issued by the RGP from the 11<sup>th</sup> December 2011 to date.

Month	Number of Tickets	Fine
December 2011	1	£150 - c
February 2012	1	£150 - c
October 2012	1	£30 - a
March 2013	1	£30 - a
April 2013	2	£30 - a
May 2013	2	1 x £150 - c 1 x £30 - a
<b>Total Number of Litter Tickets</b>	<b>8</b>	

Litter Tickets issued by the Highways Enforcement Officers

Month	Number of Tickets	Fine
September 2012	1	£30 - a
January 2013	3	£30 - a
May 2013	1	£30 - a
<b>Total Number of Litter Tickets</b>	<b>5</b>	

Litter Tickets issued by the Environmental Agency

Month	Number of Tickets	Fine
March 2012	1	£150 - c
April 2012	2	£150 - c
July 2012	1	£150 - c
August 2012	1	£150 - c
October 2012	1	£30 - a
March 2013	1	£30 - a
<b>Total Number of Litter Tickets</b>	<b>7</b>	

Litter Tickets are issued under the following three pieces of legislation:-

Section 5 of the Litter Control Act £30 – (a) fine.

Section 5 of the Litter Control Act (Dangerous Litter) £150 – (b) fine.

Regulation 2 of the Litter Control (Animal Droppings) Regulations, 1990 £150 – (c) fine.

1015

**Hon. Dr J E Cortes:** I will add, Mr Speaker, in addition to the schedule the hon. Member asked the number of fines that have arisen and I believe that information is actually not in the schedule, but I will read it out now so that he has that information.

1020

Of the tickets issued by the Royal Gibraltar Police, they were not paid within the 14 days and are being processed for prosecution. Of the tickets issued by the HEOs, the Highways Enforcement Officers, three fines have been paid, the remaining two tickets are being processed for prosecution. Of the Environmental Agency tickets issued, three of those issued for dog fouling have been paid, together with one for litter. The remaining two tickets were not paid within the 14 days and are being processed for prosecution.

1025

**Hon. J J Netto:** Mr Speaker, I am grateful to the hon. Gentleman for the information, but just a quick glance, looking at the schedule that has been passed and in addition to the information that the Hon. the Minister has just provided for, one can reasonably say that not a lot of enforcement has been made. Whether this is just something that has happened in the last 18 months or has happened in the last 10 years, honestly I do not know, but given the question, which is 'What has happened since 11th December 2011?', it does seem that there has not been a lot of enforcement.

1030

So therefore my supplementary question is whether much more rigorous enforcement, as a result of the discussions that the hon. Gentleman has had recently with the litter campaign... we will see much more presence, if I can call it that, particularly in several hot spots when it comes to dog fouling.

1035

I have to say that I do have a dog and I do take him around Harbour Views quite a lot, and the pavement in that area is atrocious, because unfortunately there are many unscrupulous dog owners who do not pick up the mess of the dog afterwards. It is something that we need to get more awareness perhaps to people generally who do engage in such activity.

1040

**Hon. Dr J E Cortes:** Yes, Mr Speaker – where do I start?

There has been an increase in activity in the Government getting the machinery going. There are regular meetings of the Litter Committee and there have also been regular meetings of an Anti-Dog-Fouling Committee discussing different initiatives. Some have been put into effect.

1045 I am pleased to say, Mr Speaker, that in the recent amendment to the Litter Act in which the fines were increased, there was also the inclusion of the Department of the Environment as a litter authority, and therefore members of the Department of the Environment will now also be able to issue on-the-spot fines.

1050 I can also say, Mr Speaker, that both the Environment Agency and the Royal Gibraltar Police have been carrying out, in fact, quite a number of patrols in hot spots, as the hon. Member has said. Clearly it is difficult to issue a litter ticket because... and my experience as a magistrate and not one of the lawyers, but I am sure that the lawyers will recognise the fact, is that you really literally have to catch somebody red handed. It is very difficult to do that, because they can always claim, 'It wasn't me.' (*Interjection*) It was my dog, yes! (*Laughter*)

1055 Having said that, I think that the figures that I have given need to be put in context. There were only four litter tickets issued in the whole of 2011, before 9th December. In fact, I think that one of those might have been after 9th December, so three plus one, let us say, in 2011. There were 10 issued in 2012 and there have been 10 issued in the first half of 2013, so we are already increasing the number of tickets issued.

1060 If you add to this the increase in fine and the fact that we are constantly working together to try and increase awareness and to increase enforcement, I think we are making progress. Time, obviously, will tell.

1065 **New power station  
Environmental performance criteria**

**Clerk:** Question 462, the Hon. J J Netto.

1070 **Hon. J J Netto:** Mr Speaker, can the Government say what the standard environmental performance criteria for the new power station will be, particularly with regard to piston engine, combustion gas turbines and/or steam turbines?

1075 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the new power station will use a mixture of gas fired engines and/or turbines together with dual fired engines and/or turbines. The environmental performance of these engines will be dictated by Best Available Technology and the relevant EU Legislation.

1080 **Hon. J J Netto:** Perhaps Mr Speaker, this may not be a very clear supplementary question on my part, but in relation to the Best Available Technology, when the tender bids are coming in and are being considered against what is the Best Available Technology, how will the mechanism be in place to determine against the specification of the tender bids against the Best Available Technology in relation to the environmental criteria that obviously the Hon. Minister would wish to put in place?

1085 **Hon. Dr J E Cortes:** Clearly, Mr Speaker, the people involved in making the decision will have the expertise required to make that assessment.

1090

**EQUALITY, SOCIAL SERVICES AND THE ELDERLY**

1095 **Day Centre for the Elderly, Waterport Terraces  
Opening**

**Clerk:** Question 463, the Hon. Mrs I M Ellul-Hammond.

1100 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services advise when the Day Centre for the Elderly will open at Waterport Terraces?

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

1105 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, this facility will be opening very shortly.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, 'very shortly': is that then a few days, a few weeks or a few months?

1110 **Hon. Miss S J Sacramento:** I think that, realistically, Mr Speaker, the answer to that is within a couple of months.

1115 **Hon. J J Netto:** Mr Speaker, if I may, I think I do recall that the hon. Lady, I think it was in the December session of Parliament actually answered in the same way. In December, she said, 'It will be open very shortly.'

Now, things can get difficult in a number of different ways and particular projects can take more time than envisaged, but could the hon. Lady perhaps provide an explanation, why the delay?

1120 Because if it was to be opened 'shortly' in December, and here we are now in June and the hon. Lady is saying it is going to be in about two months' time, what has happened for the delay?

**Hon. Miss S J Sacramento:** Mr Speaker, I would like to start by reminding the hon. Gentleman that the units which we have now converted into the Day Centre lay idle and empty, by him, when he was in charge of the Care Agency, when the Waterport Terraces estate was completed, for a number of years.

1125 When we came in, Mr Speaker, we designed the facility from scratch. The facility itself is now ready and what we are doing is we are dealing with the staffing issues and hopefully, Mr Speaker, it is a project that I am very excited about. It is a project that will contribute very significantly to our elderly community and it is envisaged that the whole thing will be ready to get off the ground in a couple of months.

1130 **Hon. J J Netto:** Well, Mr Speaker, it is a typical blame game that the hon. Lady plays all the time in Parliament.

1135 The question is that she stood up in December of last year, saying it will open up shortly, giving the impression it was going to happen within weeks. We are not talking about... If she gave that information in December of last year, it meant that she was almost ready. It was not a question whether the actual premises were not kitted out with furniture or people not employed, because at that point in December she was already saying that she was almost there to open it up.

1140 So it is not a question of what happened in the period of the GSD; it is a question that she is now standing in Parliament, saying in December that it was almost ready to get out and then here we are in June, and she is still not in a position to open it up. Now, instead of having the blame game of the past, can she stand up and provide answers for her decision and her responsibilities during her period of time?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I wish to make a Point of Order.

1145 I have searched the *Hansard* for the three Question Time sessions of December. The word 'shortly' appears six times: three times on my lips in relation to other matters, once on the lips of the Minister, Mr Costa, and on another Minister's lips but not on Minister Sacramento's lips, so the whole premise of these questions is incorrect. I ask the hon. Gentleman whether he can point to where he says this happened in December or otherwise not mislead the House, and determine for himself when it was that this word, he believes, was on the Minister's lips.

1150 **Hon. D J Bossino:** Mr Speaker, just to point out the initial bits of the Hon. Chief Minister's introduction: I think the premise of his Point of Order may be misconceived as well, in that I think what he has done is a search for the word 'shortly'. The immediacy of the introduction of a Day Centre as replied by the Hon. Minister in December may have been expressed using a different word, other than 'shortly'. This is the hon. Member's recollection, the Minister has neither accepted or denied the Hon. Minister's recollection, it is in her gift to say, 'No, no, I did not say that.' She is the one who is in charge of her Ministry and she will no doubt be able to recall whether she told this House in December that it was going to be made available very shortly thereafter.

So I think the Hon. the Chief Minister's Point of Order is misconceived.

1160 **Hon. Chief Minister:** Mr Speaker, I am sorry to tell the hon. Gentleman that we are responsible for what we say in this House and although he has stood up as usual very eloquently to discharge his functions as a defence barrister for the hon. the Shadow Member for Social Services, Mr Netto said that the hon. Lady said '*shortly*' in December. He was very specific about what he said.

1165 I know that the hon. Gentleman in trying to defend him has tried to nebulise what the question was but the question was specific.

Now, if Mr Netto wants to change the way that he put the question, perhaps he might wish to do so, but he specifically said that the Minister had used the word 'shortly' in December. That was the exact premise of his question, as *Hansard* will show.

1170 **Mr Speaker:** May I say that the *Hansard* for the December meeting is available: it is not a very difficult matter to consult it, to look up the questions addressed to the Hon. Minister for Social Services and to establish what the true facts are.

1175 Normally, what happens is naturally that a Member makes himself responsible for the contents of his question

**Hon. D J Bossino:** Mr Speaker, may I ask a supplementary? (**Mr Speaker:** Yes.)

1180 Can the Minister confirm the position? Is it that she is telling this House that the opening of this Day Centre has not been the subject of any delay? Is that what she is saying and can she...? Well, I will just leave it there.

Can she tell this House that she is satisfied that the opening of this Day Centre has not been the subject of any delay – delay to the order of, we are talking about seven or eight months?

1185 **Hon. Miss S J Sacramento:** Mr Speaker, I think that the way I want to deal with things, as far as I am concerned, everything is delayed, because when I see problems, I want them resolved within 24 hours.

Now what happens is that, when these things come to light, I think that initially we are quite optimistic in how we want them dealt with, because we want them dealt with as expediently as possible. But in reality, what happens, Mr Speaker, with large projects such as this is that things invariably may get delayed for one reason or another, for a number of months.

1190 We are now at a stage where I can say, categorically, that this centre will be opened in the next couple of months, Mr Speaker. For me, as far as I am concerned, I would wish for it to be opened tomorrow; I would in fact wish for it to have been opened yesterday. But these things happen, Mr Speaker, they are not as easy and to do them properly, we need to do them well.

1195

**Future care planning for juveniles  
Expert child psychiatrist from the UK**

1200 **Clerk:** Question 464, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services update this House on her announcement in February 2012's Parliament session, where she said:

1205 '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.'

Can the Minister say who this psychiatrist is, what the opinion of him/ her was and what guidance was given for future care planning for juveniles in need of specialised care?

1210 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

1215 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the hon. Lady is referring to a response to a question that was posed over a year ago. The psychiatrist at that time was a GHA visiting psychiatrist for children, Phil Collins. The current visiting paediatric psychiatrist is Bruce Clark.

The psychiatrists and the GHA Mental Health Team have liaised with the Care Agency residential team, social workers, counsellors and psychologist regarding the therapeutic needs of some of the looked-after children.

1220 Upon specific findings gathered during clinical interviews guidance has been provided in the form of expert recommendations and these have been put into practice.

1225

**Alzheimer and Dementia patients  
Former 'John Mackintosh Wing' facility**

**Clerk:** Question 465, the Hon. Mrs I M Ellul-Hammond.

1230

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many Alzheimer and Dementia patients the former 'John Mackintosh Wing' facility will be for and how many people will the semi-independent unit placed therein be for?

1235

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, it is envisaged that approximately 36 beds will be made available for people with Alzheimer's and Dementia and there will be five or six flats for semi-independent living. Designs are being finalised.

1240

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. Minister have an idea of by when this facility will be ready?

**A Member:** 'Very shortly'!

1245

**Hon. Miss S J Sacramento:** Mr Speaker, I am told that the facility, or at least part of it, should be ready in approximately four months. Mr Speaker, of course I have to rely on the advice of the officials that is provided to me. I will not be physically building the facility myself.

1250

**John Mackintosh Wing, former St Bernard's Hospital  
Old kitchens and bathrooms**

1255

**Clerk:** Question 466, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what has been done with the kitchens and bathrooms that have been ripped out of the completed elderly facility at the former John Mackintosh Wing of the former St Bernard's Hospital?

1260

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, these units have not been ripped out. They have been removed in a way that allows for their re-use. These are to be re-used in on-going Government projects.

1265

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say in what on-going Government projects will they be used?

1270

**Hon. Miss S J Sacramento:** Mr Speaker, there are various projects, such as Care Agency refurbishment projects and buildings where these kitchens will be installed, because the current kitchens that we have are in disrepair.

1275

For example, some kitchens in Mount Alvernia will be replaced, as will the kitchen in Bruce's Farm; the kitchen in several homes that we have both at Tangier View and in the community. Those are the examples of where these kitchens will be re-used because it will result in a cost saving in other refurbishments.

1280

**Hon. D J Bossino:** I take it that it must be implied in the answer, but I will ask the supplementary question in any event, Mr Speaker.

Presumably, the state of the kitchens which have been removed, I suppose ripped out, from the former John Mackintosh Wing are in a better state than the ones that they are going to be replacing, and...

1285

**Hon. Miss S J Sacramento:** Mr Speaker, the kitchens that were installed in the Mackintosh Wing were brand new, top-of-the range kitchens. They are being removed very sensitively, so that they can be recycled in a very cost-efficient manner so that there is no waste. Yes, I can confirm that the hon. Gentleman's assumption is correct.

**Absconding of looked-after child  
La Línea, May 2013**

1290 **Clerk:** Question 467, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how a looked-after child managed to abscond in La Línea in May?

1295 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, given the sensitivity of the information requested concerning a child, I will reply on a confidential basis.

1300 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say when...? Mr Speaker, as per the reassurance given to me by Parliament, will the Minister now also be providing the answers to the questions that were submitted but then disallowed?

1305 **Hon. Miss S J Sacramento:** Mr Speaker, as I understand it, these questions have been disallowed and they will not be responded to insofar as the manner that the questions are posed.

What I can say in Parliament, Mr Speaker, is that I am happy to have a conversation on this topic with the hon. Lady behind the Speaker's Chair.

1310

**TRAFFIC, HOUSING AND TECHNICAL SERVICES**

**Mid Harbour Estate  
Non-compliance with house rules**

1315

**Clerk:** Question 472, the Hon. E J Reyes.

1320 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question No. 330/2013, can the Minister for Housing now provide details in respect of how many homes, that is the actual number of residential properties, to the amounts paid to each of the companies listed for the months of January, February and March 2013 refer?

**Clerk:** The Question number was 472.

1325 **Hon. E J Reyes:** Sorry, Mr Speaker, there is still poor lighting on this side – maybe one day we can hit that. I can see a bit better now.

Question 472, Mr Speaker, should have read: can the Minister for Housing provide details of actions taken in order to curtail non-compliance with house rules at Mid Harbour Estate?

1330

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, in order to curtail non-compliance with house rules at Mid Harbour Estate the following measures will be undertaken.

1335

We will shortly be installing CCTV cameras which we expect will help limit the antisocial behaviour experienced within the estate. This will highlight those persons, many of whom, I have to add, are not even tenants of the estate, who persistently walk their dogs along Bishop Caruana Road and the promenade and do not clean up after them.

We are working closely with the RGP whom by patrolling the area are creating a visible presence.

1340

We will also be installing barriers at the entrance and exit points of the garage. This will stop all those who are not tenants of the estate from entering and causing a nuisance. Tenants of Mid Harbour Estate have also been suffering from non-tenants of the estate using the privacy of the garage to conceal tobacco in vehicles.

1345

Mr Speaker, as you may be aware, Government is committed to removing this kind of activity from our estates.

**Hon. E J Reyes:** Mr Speaker, I am grateful for that answer and I can obviously reinforce to the Minister for Housing that he can count on my support to make life for all the tenants at Mid Harbour Estate, as law-abiding citizens, to make their lives as comfortable as possible.

1350

Mr Speaker, there may be a certain amount of truth or not and I just wish to pose it to the Minister for his consideration, not necessarily to give me an immediate answer now, but I hear from some of the tenants there that they claim that, having at times called up the RGP, they have come across difficulties with certain Police Officers saying that some areas – either Bishop Caruana Road or other adjacent alleyways or whatever – do not seem to have been properly gazetted and so on. Therefore the Police have claimed at times, so I hear, that they are a bit powerless in imposing traffic order and so on.

1355

Can the Minister just confirm to me that he will take this on board and, if need be, we can talk behind Mr Speaker's Chair later, so that we can help improve the lives of all worthy citizens within the Mid Harbour Estate?

1360

**Hon. P J Balban:** Mr Speaker, I am aware that there is a slight issue with a road which lays at the back of Mid Harbour Estate. We are looking at this issue at the moment.

1365

**Repairs to empty homes  
Amounts paid, January to March 2013**

**Clerk:** Question 473, the Hon. E J Reyes.

1370

**Hon. E J Reyes:** Further to the answer to Question No. 330/2013, can the Minister for Housing now provide details in respect of how many homes, i.e. the actual number of residential properties, do the amounts paid to each of the companies listed for the months of January, February and March 2013 refer?

1375

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker further to the answer to Question No. 330/2013 the following is the information being requested: January – 10; February – 13; and March – 19.

1380

**Hon. E J Reyes:** Mr Speaker, I hope I have explained myself properly. My question is, the amounts paid to each of the companies listed and I have got here the schedule that the Minister gave me last time round: it has got a big list of companies and so on. So from his answer today, if there were 10 companies involved in January 2013 which are the companies and what numbers and what breakdown of those 10 pertain to which of the companies?

1385

**Hon. P J Balban:** Mr Speaker, I asked, when speaking to the staff: it became clearly evident that the question that the hon. Gentleman is asking is something which would be extremely difficult to produce because companies will go in and do certain parts of the works in a house or a building and then other companies will come and continue and do something else. So to actually get the figures of every single stage and who it belongs to would be a very, very complicated task.

1390

So hence what has been prepared, what has been done is, it has given the hon. Gentleman some indication as to how many companies have been involved, given the figures provided last time.

1395

**Hon. E J Reyes:** So what in effect is happening, Mr Speaker? Can the Minister not provide me some information, for example, if we take in January 2013, one of the companies here receives a payment of £33,835. Is there no indication whether that relates to just one property or all 10 properties refer to that one?

1400

This is further feedback from a question that I posed last month and which I took the hint from Mr Speaker, when he said that the Minister did not have the information available and I could either write to him or pose the question again.

So from a month ago, the Minister was, in many ways, on notice that I would be seeking further details of this. I think the Opposition and the general public are entitled to know if the £33,835 refers to just one property or to how many?

1405

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, in the discussion I am having with the hon. Gentleman on this side of the House, it seems that it is a very difficult exercise to do because of the way that the handing out of the work is structured, which maybe for example, to install showers. One company



may be installing showers and therefore may be involved in a number of different properties. Another company will be doing something else.

1410 But can I invite him to have a word with the Hon. Minister outside, so that maybe they can together agree a mechanism going forward, so that he could have the information and then perhaps with a bit more time, we may be able to provide the sort of data that he is requesting.

1415 What I am saying is that he may find there is doubling up: in other words, there may be different companies working on the same house, each of them doing different things. So there may be one company doing showers, there may be another company doing windows, etc – not one company doing the whole of one house.

1420 But perhaps with a discussion it may be possible for him to have more of the information he wishes and for us to have a mechanism for the future where we keep this data in a way that enables us to provide him with it more easily.

**Hon. E J Reyes:** Mr Speaker, yes, I am grateful to the Chief Minister. I think it sounds a very reasonable proposition that he has put forward. I will certainly meet with the Minister for Housing and yes, we can find a way forward.

1425 Believe me, I am not trying to reinvent the wheel or anything, I just wanted a bit of a better picture, obviously within certain accuracy, but not even down to the last penny. So perhaps sharing a coffee later on, we can find a way forward that provides information, not only relevant now but for anything that may come up in the future, and it helps us all to keep a better picture of the refurbishment works and related costs.

1430 So if there are any problems, I will come back to Mr Speaker, but I am perfectly content with that invitation from the Chief Minister.

**Details of expenditure incurred in respect of contracts  
for making empty homes suitable for reallocation**

1435

**Clerk:** Question 474, the Hon. E J Reyes.

1440 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of expenditure incurred since the answer to Question No. 330/2013 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating if the services contracted were for repairs or cleaning.

1445 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

1450 If the hon. Member would like to note that there is, at the bottom of that schedule, it says ‘specify all services contracted were for repairs’.

**ANSWER TO QUESTION 474**

CONTRACTOR	Apr-13	May-13	No. of Properties
G & G GENERAL CONTRUCTION LTD	£2100	Nil	1
CIAP CONSTRUCTION CO LTD	Nil	£13721	2
ANDY HOLDING LTD	Nil	£5500	1
S A CONSTRUCTION CO LTD	Nil	£4460	1
ABEGON FITTERS	Nil	£9484	1
BUILDING CONSULTANCY SERVICES LTD	Nil	£18188.34	1

All services contracted were for repairs.

1455 **Hon. E J Reyes:** Yes, Mr Speaker, since we are going to talk later on, I am not going to pose any supplementaries now. I would rather conduct any further exchanges in a gentleman-like manner later on.

**Tenant moved for urgent repairs  
Permanent decanting**

1460

**Clerk:** Question 475, the Hon. E J Reyes.

1465 **Hon. E J Reyes:** Further to the answer to Question No. 338/2013, can the Minister for Housing now provide relevant details pertaining to the necessity to decant the tenant, identified as number 3 on the schedule, on 1st March 2013 on a permanent basis?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1470 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, further to the answer given to Question No. 338/2013, I can inform the hon. Member that the tenant identified as number 3 on the schedule was decanted due to the fact that the property in question had suffered from severe water penetration as a result of a collapsed roof during a bout of heavy rain.

1475 The nature of the works required were such that the professional technical advice was to permanently decant the family to another property, as major works were required and these could not be undertaken with the tenants *in situ*.

1480 **Hon. E J Reyes:** Yes, Mr Speaker, but having decanted the tenants so that rightfully the works may be carried out, it has been listed, or it was listed last month as being a permanent decanting. Is that because the tenant is not going to be offered the possibility of going back to that residential property once it has been fixed, no matter how long it takes to carry out the repairs?

**Hon. P J Balban:** Mr Speaker, would the hon. Gentleman repeat the question, because there was a bit of background noise and I was not able to hear.

1485 **Hon. E J Reyes:** Why could they not go back?

1490 **Hon. P J Balban:** Ah, Mr Speaker, why could they not go back? I would have to ask that question specifically, but there are occasions when people are decanted for long periods of time. For example, if works are required and they take more than eight weeks to complete, then the policy is to decant permanently.

Probably once they have been decanted, families are probably happy where they are and they choose to remain I would presume, but for a specific reply to that question, I would need to find out for him.

1495 **Hon. E J Reyes:** Yes, Mr Speaker, indeed that is what I was trying to get at last month, which is why I had to re-pose the question now because I had not given due notice to the Minister.

1500 If I recall, and Mr Speaker probably recalls it quite well, during his tenure in office, there was once a major refurbishment that needed to be carried out, for example, at Penney House, where for a very long period of time, the tenants were decanted; but once those repair works were done, then the tenants who wished to, were given the option of returning back to the property. I believe a fair number did and others like is being said now, may find their new homes quite adequate.

What I am getting at is, the answer last month said that it was a permanent decanting and I am saying, is it that the tenant will not be given the option or it is permanent because the tenant has chosen that once he has moved, he does not want to move back again? Which of the two is it, Mr Speaker?

1505 **Hon. P J Balban:** Mr Speaker, I will find out and come back to the hon. Member, but what I can see is if a person or a family is decanted for an extra long period of time and they make their home in this new flat, the chances are that those people will want to remain.

But again in this specific case, I will need to find out and will revert to him.

1510 **Hon. E J Reyes:** Understandable, Mr Speaker: I will wait for the Minister to obtain the information and then he can provide it to us.

Thank you.

1515 **Rental homes assigned since Question No. 339/2013**  
**Repairs**

**Clerk:** Question 476, the Hon. E J Reyes.

1520 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question No. 339/2013, indicating how many will be repaired by (a) the Housing Works Agency; (b) sub-contractors and (c) the assigned tenants themselves?

1525 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question No. 339/2013, 11 flats have been assigned. The repairs are to be undertaken by the following: the Housing Works Agency – two; sub-contractors – four; the assigned tenants themselves – 2; temporary allocated, which are flats refurbished then assigned – three.

1530 **Hon. E J Reyes:** Sorry, Mr Speaker, on the last one he said there were three. Can he repeat that part? I did not quite get it clearly.

1535 **Hon. P J Balban:** The fourth one the hon. Gentleman is referring to is ‘temporary allocated’: that is flats refurbished and then assigned – three.

**Hon. E J Reyes:** So I hope I got it right: these flats are repaired first and then assigned, yes?

1540 **Hon. P J Balban:** Mr Speaker, the term ‘temporary allocated’ refers to the following: when an existing tenant is allocated another Government tenancy, we cannot give them a tenancy agreement in the first instance, as they can only hold one tenancy at any one given time.

In order to allow them access to the property to effect the move, we give them a license agreement. Once they return the keys to the old property, we give them the tenancy agreement for the new flat.

1545 If for whatever reason they fail to return the keys to the old property, the license agreement gives us the authority to repossess the new property allocated.

**Hon. E J Reyes:** Yes, I understand that a bit better.

1550 So therefore, Mr Speaker, those three are the repairs being carried out by the tenants themselves or the Housing Works Agency?

**Hon. P J Balban:** Mr Speaker, in this case, if you look at the actual breakdown, the third section said ‘the assigned tenants themselves – two’. So two of these cases were self-repair, so hence the (d) must be done by companies.

1555 **Hon. E J Reyes:** So therefore it should form part of (b), sub-contractors, four, plus the other three under the temporary allocation conditions, yes?

**Hon. P J Balban:** Mr Speaker, yes, I can see what the hon. Gentleman is asking.

1560 Because of the fact that they are holding a license agreement, as opposed to a tenancy whether they actually are fixing it themselves or not, I would once again have to check on that one.

The breakdown, as I said earlier, that in fact the Housing Works Agency have a total of 11, I believe I said, two were fixed by the Housing Works Agency, four by subcontractors, two were fixed by the tenants themselves and three were flats that were refurbished and then assigned.

1565 I take this as it was done by one or the other, as I would have to seek the exact information that the hon. Gentleman is asking and revert to him.

**Hon. E J Reyes:** Yes, acceptable: Mr Speaker, again, in this case I will await.

1570 The only thing is, Mr Speaker, when the Minister does have the answer it is obviously a delayed continuation to the question that I posed. Perhaps we need to seek advice later on from you, Mr Speaker, or the Clerk indeed, how we get this answer so that it forms part of the record? It is just a question that he does not have the information now or he wants to seek further clarification, for which I am grateful, but there is a commitment that he is going to provide the information, we need some guidance how can that end up being part of the record?

1575 **Clerk:** I think if the Minister provides the information during the course of Question Time, this meeting, and the Minister speaks about this and gives his information, then that will be recorded in *Hansard*. But if it happens after Questions and Answers, then it is not going to be possible.

1580 **Hon. P J Balban:** Mr Speaker, if I may, I will try to get this information as soon as we break up for lunch and hopefully have it for the hon. Member for this afternoon's sitting.

**Hon. E J. Reyes:** Yes fine, I accept that from the Minister and with a bit of luck, we will keep all fingers crossed and therefore we will meet the requirements for inclusion in *Hansard*.  
Thank you.

1585

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

1590

### Washington DC, USA Gibraltar graduates taking up placements

**Clerk:** Question 492, the Hon. E J Reyes.

1595

**Hon. E J Reyes:** Mr Speaker, can Government say how many Gibraltar graduates have taken up the offer of placement in public and private sector organisations in Washington DC, USA?

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

1600

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, 11 students have so far taken up placements in the US-Gibraltar Internationalisation and Professional Training Internship Program.

1605

**Hon. E J Reyes:** Out of sheer curiosity, Mr Speaker, does the Minister have available information as to the breakdown of whether they are males or females – just out of sheer curiosity?

**Hon. G H Licudi:** Mr Speaker, I did see a list which I have not got included here and I did see that there were one or two female students, but I could not give the exact number. My recollection is that it is predominantly male, but there are some female students as well.

1610

### Gibraltar graduates' placements, Washington DC, USA Estimated costs of sponsorship

1615

**Clerk:** Question 493, the Hon. E J Reyes.

**Hon. E J Reyes:** Can Government provide a detailed breakdown of estimated costs in respect of their sponsorships towards Gibraltar graduates' placements in public and private sector organisations in Washington DC, USA over the next three years?

1620

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

1625

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the cost per student is €14,000. This covers the 15-week period of internship as well as the application fee, tuition and programme fees, visa fees, medical insurance and the housing fees.

Additional costs per student are in the region of £2,500 to cover Consulate visit, air travel, meals and subsistence costs.

1630

**Hon. E J Reyes:** Again Mr Speaker, out of sheer curiosity why is the 14,000 quoted to us in euros? I mean I would have thought dollars as it is the United States or sterling, but I am intrigued as to why euros.

1635

**Hon. G H Licudi:** Because that is the way it has been invoiced to the Government.

1640 **St Bernard's First School transfer to new site**  
**Provision of nursery or pre-school educational facilities**

**Clerk:** Question 494, the Hon. E J Reyes.

1645 **Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details of what future nursery or pre-school educational facilities Government intends to provide once St Bernard's First School is transferred to its new site?

1650 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1655 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, St Bernard's Nursery is in a building separate from the First School. The building which houses the nursery, and facilities contained therein, are appropriate for the nursery which will remain at its present location.

1660 In other words, the First School, which is in the building where we have identified some issues and we want to relocate, is being transferred; but the building which contains the nursery is actually a good facility. It has got a large area, it has got an outdoor area, it is a very good facility for a nursery and there is no intention of moving that.

**Hon. E J Reyes:** Thank you.

1665 Mr Speaker, does the Minister know at this stage, is it the intention that the nursery will come under the jurisdiction, shall we call it, of the head teacher of the First School or will it be a total independent and separate unit?

1670 **Hon. G H Licudi:** Mr Speaker, the nursery is part of the First School, even though there are two buildings now which are relatively near to each other. The nursery is part of the First School and will continue to be part of the First School. The First School is moving, but there are some steps which will make it accessible from the First School in the new location at the old St Bernard's Hospital site, up some steps and across the road to the location of the current nursery.

Therefore the head teacher of St Bernard's First School will continue to be the head teacher of the nursery.

1675

**Procedural**

**Clerk:** The Hon. the Chief Minister.

1680 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House now recess until 3.00 p.m.

1685 **Mr Speaker:** We will now recess to 3.00 p.m., when I understand we will be dealing with, in the first place, Questions to the Chief Minister?

**Hon. Chief Minister:** Yes, sir.

*The House recessed at 11.20 p.m. and resumed its sitting at 3.00 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON/EVENING SESSION: 3.05 p.m. – 7.32 p.m.

Gibraltar, Thursday, 20th June 2013

## The Gibraltar Parliament

*The Parliament resumed at 3.05 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

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

## Order of the Day

### SUSPENSION OF STANDING ORDERS

**Standing Order 7(1) suspended  
to allow the Minister for Health and the Environment to make a Statement  
and for the purpose of laying Reports on the Table**

**Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order for the Minister for Health and the Environment to make a Statement and also to proceed with the laying of Reports on the Table.

**Mr Speaker:** Those in favour? (**Members:** Aye.) Those against. Carried.

10

### MINISTERIAL STATEMENT

**Child with tuberculosis  
Statement by the Minister for Health and the Environment**

15

**Clerk:** The Hon. the Minister for Health and the Environment.

20 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, a child attending two nurseries in Gibraltar has been found to have tuberculosis. Although the child is only weakly positive for infectivity, the GHA is offering TB testing as a precautionary measure to all the children with whom the child might have been in close contact. GHA Infection Control nurses are currently making arrangements to contact the parents and offer skin tests to the children.

25 There is no risk to the public at present and no restrictions on children attending these nurseries or any other educational institutions.

25 Tuberculosis is an infectious disease that is uncommon in Gibraltar. BCG vaccination and good standards of nutrition are effective in preventing the disease. The TB bacteria are spread from an infected person through the air, but only to close and intimate contacts. It is also extremely rare for children with the disease to be infectious to others and hence the action taken by the GHA is purely precautionary.

30 Mr Speaker, that is the end of my Statement. I would just like to say that the press has been informed and the Director of Public Health has also been interviewed by the media to offer reassurance in this respect.

35 **DOCUMENTS LAID**

**Clerk:** Papers to be laid. The Hon. the Chief Minister.

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table the Air Traffic Survey Report 2012, in the absence of the Deputy Chief Minister.

**Mr Speaker:** Ordered to lie.

45 **Clerk:** The Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** I have the honour to lay on the Table the Employment Survey Report October 2012.

50 **Mr Speaker:** Ordered to lie.

**Clerk:** The Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

55 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to lay on the Table the Tourist Survey Report 2012 and the Hotel Occupancy Survey Report 2012.

**Mr Speaker:** Ordered to lie.

60 **Procedural**

**Clerk:** The Hon. the Chief Minister.

65 **Hon. Chief Minister:** Mr Speaker, as a result of what appears to be a technical glitch, can I invite the Chair to recess for five minutes?

**Mr Speaker:** The House will recess for five minutes.

70 *The House recessed at 3.10 p.m. and resumed its sitting at 3.15 p.m.*

75

## Questions for Oral Answer

### CHIEF MINISTER

80

#### **Business start-ups and nurture schemes New companies benefiting**

**Clerk:** Answers to Questions continue.  
Question 495/2013, the Hon. D J Bossino.

85

**Hon. D J Bossino:** Further to his answer to Question 440/2013, can the Chief Minister provide the same detail requested in the said question as respects any new companies which are benefiting from the Government's policy on business start-ups and nurture schemes?

90

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no new companies have been established in the month since my last answer in this House, although I know a number of inquiries are being progressed.

95

**Hon. D J Bossino:** Mr Speaker, the Chief Minister knows that I have written to him in relation to the criteria which the... or the detail of the policy. I posed a question in the House on the last occasion: he said that the detail, he did not have with him and it was available at the Department of Employment, or the ETB. I have written to him, I have not yet had a reply to that letter, but given that there has not been any public announcement, other than I think one article which appeared on 24th April 2013 in response to questions from, I think it was from the *Chronicle*, is the Chief Minister in a position now to provide me with further detail in relation to the scheme, so that people are aware as to what it is that they would be applying for and whether there is any possibility of any applicants out there being successful in their application?

100

Because at the moment, what is in the public domain, Mr Speaker, is, if I can put it mildly, confusing.

105

**Hon. Chief Minister:** I understand that is much milder than he puts it when he is not in this House, Mr Speaker.

If I may just start by saying, I am very sorry I have not replied to his letter. I try and deal with correspondence from Members as soon as I can. He knows I have been travelling for the past few weeks and I do have a backlog of correspondence, generally, not just the letter from him – although I will ensure that I reply to him as soon as I can, as I always try and do with Members' correspondence.

110

Mr Speaker, that will clarify these criteria that he says that he is interested in.

I am talking to a number of entities about this particular scheme, including representative entities like the Federation of Small Businesses, as well as certain individuals who want to consider whether they might fit within this particular category of establishment or incubator mechanism, and not just my office but other offices as well. So when he gets my letter he will see the detail of that.

115

Is he saying that he thinks that we should be making another public statement on the criteria?

120

**Hon. D J Bossino:** Mr Speaker, of course the Opposition is not here to answer questions from the hon. Members opposite.

No, it is simply just to get the precise detail of the policy. There is one point that the Hon. the Chief Minister made, both to myself and to the Hon. Leader of the Opposition, that he encouraged us to make an application ourselves, if we wanted to diversify from being lawyers into a different business.

125

But of course, unless he thinks that we are of limited means, the criteria as currently set out in the *Gibraltar Chronicle* article which I referred to earlier suggests in terms that it is only those people who are of limited means who will be accepted in the scheme. It is that type of information which I think ought to be available publicly, Mr Speaker, so that at least people understand, before making an application to the Employment Training Board, that their application will meet with any prospects of success.

130

There are other issues, like for example who is going to be the determining body as to whether an application is successful or unsuccessful? Is this going to be means-tested; is it going to be limited to those who are within the construction industry; is it going to be beyond... impact different industry groups, things like that?



135 We just find it surprising that this basic information, the meat to the bones of the policy as set out in the Government's 2011 manifesto, has not been explained already to the public, or indeed in this House.

**Hon. Chief Minister:** Well, Mr Speaker, I am grateful for the hon. Gentleman clarifying what it was that he meant. I did not mean to ask him a question, just whether that is what his question was about, and I am grateful for that clarification.

140 I do not often take advice on how to handle the Government or the party's media relations from Members opposite, but I will on this occasion consider very carefully what he says and consider putting out the whole meat and potatoes of this policy, so that people can gorge themselves on it, and see exactly how helpful it is to those who need the assistance of the Government in this way to establish themselves in business.

145 **Hon. D J Bossino:** Mr Speaker, in relation to the point that the Hon. the Chief Minister made in connection with the GFSB, as I understand it, we issued a press release on the matter which is I think what brought this issue into the public domain – without going into the controversy of this.

150 Yes. The simple fact that incubator schemes were now available at the ETB to members of the public: that I think is fair to say was prised from the Government, as a result of the press release that we issued in relation to one particular company, ETB1, which I think has had a change of name since we issued the press release.

155 There was, following our press statement, Mr Speaker, a statement from the GFSB stating that they would be making enquiries of the Government as to the detail of it, and what I would like to ask the Hon. the Chief Minister is whether he has replied to those enquiries and whether he has engaged with the GFSB further and what progress has been made in relation to these talks with the Gibraltar Federation of Small Businesses.

160 **Hon. Chief Minister:** Well, Mr Speaker, I do not recognise this idea of the information being 'prised' from the Government at all, but if he wishes to characterise it in that way, I suppose given that he is in by-election mode, he should be entitled to describe it as he wishes.

165 The Government is in correspondence with the GFSB about this and a number of other subjects. I am not going to give the hon. Gentleman a blow by blow of what the present state of the discussions between the Government and the GFSB is on this matter; but I am happy to tell him that they are going very positively.

170 **Floating hostel; Buena Vista hostel  
Refund of deposit; current situation**

**Clerk:** Question 496, the Hon. Mrs I M Ellul-Hammond.

175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government advise why the floating hostel left Gibraltar, whether the £300,000 deposit has been refunded to Government and whether the Buena Vista hostel has been vacated?

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

180 **Chief Minister (Hon. F R Picardo):** Mr Speaker, following further discussions with the owners of the floating hostel, the Bibby Kalmar, the parties decided not to proceed with either the proposed acquisition of the vessel, or the alternative possibility of leasing the floating hostel from the owners, because it was not repaired as Government required. The reason why the floating hostel left Gibraltar is therefore one made by the owners of it, and not by the Government. I understand it may have been let elsewhere.

185 In view of this, and in line with the agreement entered into, the £300,000 refundable deposit that was paid to the owners by GCP Investments Ltd is in the process of being refunded.

The Buena Vista hostel has not yet been vacated.

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

Mr Speaker, can the Hon. the Chief Minister say, as per the agreement with B V Homes, the Buena Vista hostel should have been vacated by the 30th June last year: have any penalties been incurred on the Government, if any, for not vacating the premises?

195 **Hon. Chief Minister:** Mr Speaker, I would need notice of that question.

**Former Speaker's confidential tax information  
Leak to the media**

200 **Clerk:** Question 497, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether the investigation has now concluded to determine how confidential tax information relating to the former Speaker of this Parliament was leaked to the media?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, after an extensive internal investigation by the Commissioner of Income Tax and other relevant follow-up actions, no conclusive evidence has yet emerged in respect of the leak to the media.

210 **Hon. D A Feetham:** Mr Speaker, –

**Mr Speaker:** I have a problem, I do not have a copy of that answer. Could I, if there are going to be further supplementaries, please...?

215 **Hon. D A Feetham:** Mr Speaker, thank you very much.

Mr Speaker, the Hon. the Chief Minister used the words 'no evidence has yet emerged'. Is he suggesting from that answer that the investigation continues or is it that the investigation has concluded and that no evidence has emerged? It is use of the word 'yet'.

220 **Hon. Chief Minister:** Mr Speaker, the word 'yet' has its natural and ordinary meaning and he is right that I believe that this is something that might still lead us to a destination which we have not yet reached, and that is why the word yet is there.

225 **Hon. D A Feetham:** Mr Speaker, as the Hon. the former Leader of the Opposition, now Sir Peter Caruana, suggested when we last exchanged questions in relation to this – I think in fact it was not questions; it was a statement that the Hon. the Chief Minister made to this House and then a response by the Hon. Sir Peter Caruana, then Leader of the Opposition – he said that there could only have been a limited amount of sources for this leak. He said two sources: it has either come from the Tax Office or alternatively, given that this information had been provided to the Chief Minister, and we are not suggesting that obviously the Chief Minister himself has leaked it, but that the leak could have come from his own offices.

230 Now, can he perhaps provide some information as to whether it has been narrowed down as to where this information was leaked, or is there no evidence at all in relation to where the leak emerged, without necessarily having pinpointed who leaked it?

235 **Hon. Chief Minister:** Mr Speaker, this concerns a very serious issue. Forgetting the fact that the taxpayer in question was the Speaker of the House, we are talking about a taxpayer and taxpayers are entitled to have their tax affairs kept confidential, whatever the state of those tax affairs may be.

240 Therefore, I do not think it is necessarily in everybody's interest that I go into the detail of what I know about this investigation, but let me assure him of one thing: I am not conducting the investigation myself. This is a matter which is being looked at by the Chief Secretary, and the information I am giving him is the information that I have had from the Chief Secretary, as a result of his question.

245 There is, nonetheless, in my view, not a clear distinction between the Office of the Chief Minister and the Office of the Commissioner of Income Tax that can be drawn as the only two places from where this information might have come. This information might have come from somewhere else and I do not think it is right to quote the Hon. the previous Leader of the Opposition, now the backbencher, as an authority for any proposition. The fact that he said it could only come from two places does not mean that it can only come from two places. This is an opinion, which must be regarded with a lot of respect, because it comes from somebody who has held the office of Chief Minister for 16 years and understands the workings of Government inside out; but it is just that, an opinion.

250 Mr Speaker, it is clear that there could be another place from which it might have come and that is from people who have access to everybody's e-mails and everybody's data, although I do not think it has come as a leak from the ITLD, the Information Technology Department. But immediately you could see that there might be a third source of information, which is neither the Office of the Chief Minister nor the Office of the Commissioner of Income Tax.

260 So these matters are complex. In order to get to the destination where I think all of us would want to get, because of the importance of taxpayers' information being sacrosanct, I think it is better that we do not explore in detail where the investigation is at the moment, other than for me to assure him that it is still an investigation that is on-going – therefore, the use of the word 'yet'.

265 **Hon. D A Feetham:** Mr Speaker, given that this is as he rightly says a matter of some importance, not only because it involves the leaking of confidential information of a taxpayer, but also because it involves the leaking of confidential information of a Member of this House, does the Chief Minister intend to make public, or lay perhaps before this House, a copy of any report that is produced, suitably redacted, in order to perhaps preserve confidentiality, but still so that Members of this place – and indeed members of the public – can rest assured that everything that could have been done in relation to this investigation, to get to the bottom of how this actually occurred, has been done and it has been done well?

270 **Hon. Chief Minister:** Mr Speaker, I cannot commit myself to that, for a reason that I hope he understands. It could be that this leads to criminal proceedings and therefore that the matter might be overtaken by the issues becoming the subject of a complaint or a charge. Therefore, Mr Speaker, I do not think it is appropriate for me to give the House an undertaking that this will result in a statement by me in this House, or the tabling of an investigation report, because it could become much more serious than that, and I hope that he understands that reasoning.

280 **Queen's Cinema**  
**Inclusion of basement in Government acquisition**

**Clerk:** Question 498, the Hon. D A Feetham.

285 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister confirm that the basement of the old Queen's Cinema was included as part of the demised premises in the recent agreement by Government to acquire the Queen's Cinema for £3.5 million from its present owners?

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

290 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes sir, but the conveyance has not yet been finalised.

295 **Hon. D A Feetham:** Mr Speaker, the information that has come to the Opposition – and if it is wrong, the Chief Minister, please correct the information, I am only asking whether it is right – is that in the original agreement with the owners of the Queen's Cinema, there had been an oversight in relation to the basement, and the oversight related to the fact that the basement was partly owned by the Queen's Hotel; and that that has led to some complication in the purchase of the entirety, effectively, of the Queen's Cinema including the basement.

300 Can he confirm that that is not the case and that it has not – second question – led to the Government incurring any additional expenditure in relation to the purchase?

305 **Hon. Chief Minister:** Well, Mr Speaker, I can certainly tell him it has not led to any additional expenditure in relation to the purchase, although I note that he or his firm represent the owners of the Queen's Cinema. I do not know whether this has anything to do with that.

310 Mr Speaker, the position as far as the Government is concerned is very clear: we are paying £3.5 million for the Queen's Cinema. If it has a basement, then it includes the basement; if it does not have a basement, it does not include the basement. But what we are paying for is what is visible of the Queen's Cinema, which is where the new theatre will be located and the value, of course, is the value of the land in question.

315 This is not an issue that in our view is going to be a major issue in relation to the new theatre that the Government is considering to build there or the other plans that we may have for the area. I know that this is an issue that has arisen during the course of the conveyance and it is an issue that will be resolved by the professionals involved. It is not an issue which engages the Government at a policy level.

**Hon. D A Feetham:** Mr Speaker, just in relation to the preamble to his answer, of course if I had been professionally engaged in any way, shape or form in relation to this particular matter, I would have been duty bound to have disclosed it to this House. The fact that I have not disclosed it is because I am not

professionally engaged in relation to this matter. But of course, he knows more about my firm's business perhaps than I do.

320 But Mr Speaker, in the answer, am I right therefore in saying that there has been a problem in relation to the conveyancing of the basement because, unbeknown to the Government, the basement of the Queen's Cinema was partly owned by the Queen's Hotel and, now the professionals are effectively dealing with that problem, that perhaps had not been spotted before the actual agreements were entered into with the owners of the Queen's Cinema?

325  
330 **Hon. Chief Minister** Mr Speaker, he was here when he knows that I had to endure much less generous references to the fact that I was the partner of the firm that he is now a partner of, when I asked questions or dealt with issues which related to that firm. So all I have said is that he is a partner of a firm that is dealing with the conveyance for the vendors. I am surprised that he has taken such umbrage at that or that he thinks that I know more about what goes on in his firm than he does. But look, it is a matter entirely for him.

335 Mr Speaker, the issue as I understand it is not about ownership; it is about possession, and those are two completely different issues in land, of course. This is not an issue that the Government considers is in any way an issue that can affect the plans that the Government had for the site or the valuation that we had for the project that we were going to put there and the value that we ascribed to the old Queen's Cinema site.

340 So if there are professionals wrangling over it, because land issues sometimes involve obscure matters that sometimes purchasers and vendors are not necessarily involved in, but title has to be clarified in the process of conveyance, then look, it is a professional matter which is involving, alas, a member of his firm and no doubt a member of another firm, or of LPS; but it is not engaging us in any policy considerations.

345 **Hon. D A Feetham:** Mr Speaker, but is the issue, in relation to the basement, that it is partly owned by the owners of the Queen's Cinema and partly owned by the owners of the Queen's Hotel? Is that the issue that the professionals are seeking to sort out?

350 **Hon. Chief Minister:** Mr Speaker, I have never been a professional in land or in conveyancing. I tell him again, nonetheless, that the issue is not ownership; the issue appears to be possession and that is an issue which may have arisen which needs to be sorted out. It is not an issue, as I understand it, of ownership, but an issue of possession. He knows the difference of both of those in respect of that.

#### AO posts Government Departments Downgrading to AA posts

355

**Clerk:** Question 499, the Hon. D A Feetham.

360 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether Government Departments have been asked to identify AO posts for downgrading to AA posts?

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

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

**Hon. D A Feetham:** Mr Speaker, can he explain, can the Hon. the Chief Minister explain the policy behind this request to downgrade AO posts to AA posts?

370 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that the post of AA has long been one that has been recognised in the Civil Service and yet, for some years, there have been no AAs in the Civil Service, as a result of a decision to upgrade all AA posts to AO posts.

What is being done now, Mr Speaker, is to reintroduce the grade of AA and in many instances, it may be that one AO post becomes two AA posts, and that, we think, is a very positive thing.

375 **Hon. D A Feetham:** Mr Speaker, we had this exchange last year and, indeed, I asked him last year whether the Government was reintroducing AA grades and he said to me no, the Government is not reintroducing AA grades, because AA grades have always effectively been there.

Now, it is certainly true that the GSD Government took the decision to do away with the AA grades and upgrade everybody from AA to AO. So is what the Chief Minister saying that, effectively, it is a

380 reversal of that policy and effectively you are reintroducing the AA and attempting to downgrade as many  
AO posts as possible from AO to AA?

385 **Hon. Chief Minister:** Mr Speaker, nobody who is an AO is going to be told that they are an AA  
tomorrow. The idea, of course, is that some AO posts will become new AA posts. In some instances, one  
AO post will become two AA posts, so that the entry into the Civil Service is at AA grade, as it was  
traditionally, historically and as it is in the United Kingdom, and has stopped being the case here under  
the GSD Administration, where the *entry* into the Civil Service occurred at a higher level and therefore  
became much more attractive to people who were working in the private sector, sometimes quite high up  
390 in the private sector, on private sector salaries, who found entry into the Civil Service at AO grade very  
attractive indeed.

That is the decision that we have taken. It is one that we think is the appropriate one. I recognise it is  
different to the decision that they took, but simply from the point of view of the number of applicants that  
there were for the posts of AA, I think it is one which has demonstrated to be working very successfully.

395 **Hon. D A Feetham:** Yes, Mr Speaker, I recognise that it is a difference in policy. I did in fact  
recognise it was a difference in policy last year, when we had the exchange across the floor of the House.

But Mr Speaker, can the Chief Minister tell us whether there has been any consultation with the  
unions in relation to this?

400 **Hon. Chief Minister:** Can I just, before I do that, Mr Speaker, also remind him that there were, of  
course, word processor clerks in the Civil Service when we took over, and there are still some of them  
now who were 'AA equivalent'. (**Hon. D A Feetham:** Equivalent.) AA equivalent – in other words, AA  
in everything but name; in other words, called 'word processor clerk', but actually receiving AA salaries  
405 with AA style duties.

But yes, Mr Speaker, there were, of course, consultations with the unions on this matter.

410 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister inform this House as to what the view of the  
union was in relation to this? Were they supportive of this? Did they oppose it? Were they ambivalent to  
it?

415 **Hon. Chief Minister:** Mr Speaker, they supported it and that is why we did it very easily and without  
having to be in dispute with any union, and he did not see any press releases from any union complaining.

#### Recent AA recruits Placement in Departments

420 **Clerk:** Question 500, the Hon. D A Feetham.

425 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister identify what Departments have the recent  
AA recruits been placed in?

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

435 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I pass the hon. Gentleman a list with the  
information requested.

#### Answer to Question 500

440 Department of Employment and Training  
Department of Social Security  
Department of the Environment  
435 Driver and Vehicle Licensing Department  
Education Department  
Financial Services  
Gibraltar Courts Service  
Gibraltar Health Authority  
Human Resources Department  
Income Tax Department  
440 Ministry for Equality, Social Services and the Elderly  
Ministry for Sport, Culture, Heritage and Youth  
Ministry for Tourism, Public Transport and the Port  
Ministry of Housing

445

No. 6 Convent Place  
Royal Gibraltar Police  
Treasury Department

450

**Hon. D A Feetham:** Mr Speaker, does the Chief Minister... and I recognise that perhaps it is going further than the original question, but does the Chief Minister have to hand the statistics in relation to the breakdown as to how many AAs have gone into each of these Departments?

455

**Hon. Chief Minister:** I do not have it here, Mr Speaker, but I am happy to let him have it, if he wishes to either ask next time or write to me.

**Hon. D A Feetham:** I will ask next time.

460

**Chief Minister's private staff  
Additions since 9th December 2011**

**Clerk:** Question 501, the Hon. D A Feetham.

465

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state what additions have been made to his private staff since 9th December 2011, identifying the person and the role that person plays as part of that staff?

470

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

475

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the following additions have been made to my private staff since 9th December 2011: one Principal Private Secretary, who is a contract officer; one Higher Executive Officer; one Administrative Officer; one GDC grade 3; and one officer who is on the Graduate Scheme.

Can I just clarify that the word 'addition' has been used but, of course, these are people who have come to my office since 9th December 2011; others have left since 9th December. So it is not that there are *more* people at No. 6 Convent Place in my staff, at least in my corridor. These are the people who have transferred there, since that date, to my corridor, working to me.

480

**Civil servants acting up in higher posts  
Number serving longer than three months**

485

**Clerk:** Question 502, the Hon. D A Feetham.

490

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state how many civil servants have been substituting for or acting in higher posts within the Civil Service for longer than three months, identifying the post and the Department concerned?

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

495

**Chief Minister (Hon. F R Picardo):** Mr Speaker, 66 civil servants have been substituting for higher posts within the Civil Service for more than three months.

I now hand the hon. Member a schedule with the information requested by him.

ANSWER TO QUESTION 502

Department	Total No of Officers on Current Continuous Substitution	Grade Substituting Into
Archives	Nil	Nil
Attorney Generals Chambers	Nil	Nil
Care Agency	Nil	Nil
Consumer Affairs	Nil	Nil
Culture	2	x1 SEO & x1 EO
Customs	Nil	Nil
Deputy Chief Minister's Office	2	x1 SEO & x1 EO
Driver and Vehicle Licensing Department	Nil	Nil
Education	23	x1 TLR 1A, x2 TLR 1B, x9 TLR 2B, x3 TLR 2A, x2 TLR 2C, x6 TLR 2D
Employment	2	x1 SEO & x1 Health & Safety Officer Grade 4
Environment	3	x1 SO, x1 HPTO & x1 PTO
EUID	1	x1 AO
European Union Programmes Secretariat	Nil	Nil
Finance Centre	Nil	Nil
Financial Secretary's Office	Nil	Nil
Fire Service	1	x1 Leading Firefighter
Gambling Division	Nil	Nil
GHA	7	x1 Hospital Attendant x1 EO, x1 AO, x1 HEO, x2 SEO, x1 SO
Gibraltar Audit Office	Nil	Nil
Gibraltar Courts Service	1	x1 Personal Secretary
Gibraltar Youth Service	Nil	Nil
Housing	3	x1 SO, x1 HPTO & x1 PTO
Human Resources	4	x2 EO & x2 HEO
Immigration & Civil Status	2	x1 EO & x1 AO
Income Tax Office	2	x1 SO (Senior Officer Grade) & x1 AO
IT & Logistics Unit	Nil	Nil
Legislation Support Unit	Nil	Nil
Maritime Administration	Nil	Nil
Ministry for Traffic, Housing & Technical Services	Nil	Nil
No 6 Convent Place	4	x2 SEO, x2 EO
Parliament	Nil	Nil
Police	Nil	Nil
Postal Services	2	x1 AO & x1 HEO
Prison	Nil	Nil
Procurement	1	x1 EO
Public Transport & Commercial Affairs	Nil	Nil
Ministry of Equality, Social Services & The Elderly	1	x1 SEO (Ministry's Office)
Social Security	Nil	Nil
Statistics	Nil	Nil
Technical Services	2	x1 HPTO & x1 Sewers Operative
Telecommunications and Justice (Ministry)	1	x1 AO
Town Planning & Building Control	Nil	Nil
Treasury	2	x1 Support Grade Band 1 & x1 Head Messenger
<b>Total:</b>	<b>66</b>	

**Chief Secretary, Financial Secretary, Chief Technical Officer posts  
Succession planning**

500

**Clerk:** Question 503, the Hon. D A Feetham.

505

**Hon. D A Feetham:** Mr Speaker, since 11th December 2011, have any civil servants substituted for the Chief Secretary, the Financial Secretary or the Chief Technical Officer in order to allow senior civil servants to gain experience in any of those posts for future succession planning purposes?

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

510

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no civil servant has yet substituted for the Chief Secretary as part of a succession plan since 11th December 2011.

No civil servant has substituted for the Financial Secretary or the Chief Technical Officer since 11th December 2011; but the Government is nonetheless currently working on the implementation of a succession plan for each of the abovementioned posts.

515

**Hon. D A Feetham:** Mr Speaker, it is common knowledge that the Commissioner of Income Tax splits his time from the Income Tax Office and No. 6 Convent Place, working very closely with the Chief Secretary. Now, has the Commissioner of Income Tax substituted for the Chief Secretary at any time, and is that part of the Government's succession plan? Although he has already said to me nobody has substituted for that purpose, but the fact that he is working there in that office, is that related to future succession planning or is that related to something else, and can he explain what it is?

520

**Hon. Chief Minister:** Mr Speaker, as far as I understand it, that is not related to succession planning because of the similarity in ages between both the current Chief Secretary and the current Commissioner of Income Tax. A succession plan necessarily implies that you are dealing with people who are younger, who are likely to be taking the post once an individual passes on from that post – although that is not to say that the Commissioner of Income Tax may decide that he wishes to be an applicant in the future for the post of Chief Secretary, should that vacancy arise whilst he remains in the Service.

525

Therefore, Mr Speaker, what has been asked about, which is whether the Chief Secretary has somebody standing in for him as part of a succession plan, did not in my view engage the possibility that the current Commissioner of Income Tax, who is supporting the Chief Secretary in the work that he is doing, when he has had to step in for him, is doing so as part of a succession plan, because that is not the way that certainly I have envisaged that working, or indeed that either of them have expressed to me the way that the work they are doing is aimed at delivering any succession plan.

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535

**Hon. D A Feetham:** Mr Speaker, I asked this question, because of course it is his own policy and I think that he has made statements to civil servants – that was at the beginning of his tenure in office – that the Government intends to allow senior civil servants to substitute in relation to certainly the Chief Secretary; I think he extended it to the other posts as well.

540

Now, is this going to be open just simply to senior officers or does the Government intend to go slightly below, to senior executive officers?

When does the Government intend to implement this particular policy that he announced at the beginning of last year?

545

**Hon. Chief Minister:** Mr Speaker, I do not know whether there has been any particularly bright AAs that might be up to it, but I think there has to be a limit as to where one goes.

Mr Speaker, there is, as he knows, a Civil Service Review going on – a Civil Service Review that I wish would have seen move much more quickly than it is, but the Civil Service is a complex beast and reviewing it, with the best will in the world, sometimes takes longer than one might have imagined was possible.

550

It is part of that Review that the succession plan should form part of, and also part of the, in my view essential, restructuring of the Office of the Chief Secretary – not so much the Office of the Chief Technical Officer and the Financial Secretary, but certainly the restructuring of the Office of the Chief Secretary to take into consideration just how sophisticated the role of the Chief Secretary is in modern Gibraltar, under the new Constitution. It is much more sophisticated than it used to be and therefore the support required by somebody who is in the role of Chief Secretary is much greater, in order to be able to turn attention to all of those issues that would be relevant to him.

555

Part of that restructuring will include provision for succession planning.



560 **Hon. D A Feetham:** So, Mr Speaker, what he is effectively is telling me is that until the Review is completed, the Government does not intend for the process of substitution to commence, so effectively we are waiting for the Civil Service Review to conclude?

565 **Hon. Chief Minister:** No, Mr Speaker, because this is a matter which is in the hands of the Chief Secretary himself, not so much in the hands of the Government.

The Civil Service Review will deal with issues like this, but my view is that the head of the Civil Service is the Chief Secretary, in terms of the administration and it is he that is responsible for these issues, with the support of the Government. The Chief Secretary knows that he has my support already to start looking at the restructuring of his Office and, in that context, issues relating to succession planning which he and I have discussed.

570 But the Civil Service Review will encapsulate a lot of those issues as well. Now, whether it happens before the Civil Service Review comes to a final conclusion, or not, is another matter, because there may be things that come up in the context of the Civil Service Review that are agreed by all parties, that are implemented immediately that they are identified as being useful and modern practice, and there may be things which are left to the end of that process because they may be more controversial between the parties and they require further elaboration.

575 Succession planning is an essential, although we do have a pretty new Chief Secretary in post at the moment. He is in post for less time than the 'new Government', as we have got used to being referred to, so therefore I do not think it is as pressing an issue; but in my own view, succession planning should start from the moment that you take on a role and that is why I have encouraged the Chief Secretary and I have encouraged senior officers, and I think also, to deal with a point he was raising before, senior executive officers, to be encouraged to act upwards in different roles as part of succession planning generally across the Civil Service.

585 **Hon. D A Feetham:** Mr Speaker, I understand that in relation to the Chief Secretary and of course the Hon. the Chief Minister is right, the Chief Secretary has only been in post for a few months.

590 But there are two other posts that I referred to in my original question, which are absolutely pivotal for the Civil Service. One is the Chief Technical Officer and the other one is the Financial Secretary. Now, my understanding is that in relation to the Financial Secretary his plans were that he was going to be stepping down during the course of last year and he has agreed to, effectively, delay that in order to help the new Administration.

595 With the Chief Technical Officer, the Chief Technical Officer has been there for many, many years. I do not know what his plans are in relation to retirement, how close he is, but certainly it is a different kettle of fish altogether than the Chief Secretary. Does the Chief Minister know anything about succession planning, in relation to those particular posts which are absolutely vital to the Service and, of course, to the running of the Government?

600 **Hon. Chief Minister:** Yes, Mr Speaker, , I do, but his question has not asked about that. His question has asked whether people have *acted* as part of succession planning and that is why I have given him the answer that I have given him.

The Chief Technical Officer is absolutely pivotal to the way that the Government works in Gibraltar today, as is the Financial Secretary. I am very happy to say that the Financial Secretary is now indicating that he wants to stay for longer, because it appears that he is enjoying his work much more than he did before obviously, and he is a pivotal part of course of what we do.

605 But look, North Front Cemetery is full of people who were pivotal to this community and that is why succession planning is important because, one way or the other, the day comes when we have to move away from the jobs that we are doing, however essential we were to the discharge of those functions at the time.

610 I am very pleased to tell him that both in relation to the Chief Technical Officer and the Financial Secretary, already moves are afoot to ensure that there is a very well catered for succession process but that does not necessarily involve people having to act in post, because both of these men rarely go ill and rarely go on holiday, so there is very little chance to act for them!

615 **Hon. D A Feetham:** Mr Speaker, every time I ask the question that perhaps, I get the feeling, slightly needles the Chief Minister, he comes back with politicisation of his answer, which really, this line of questioning does not merit, because I am genuinely trying to find out, trying to elicit information.

Now, he has given me an answer and I am going to ask a supplementary in relation to the information arising out of that answer.

620 What he is basically saying to me is that, although there is not going to be, there has not been any substitution as part of the succession planning for those two, as he rightly recognises, pivotal roles within the Civil Service, that there had been plans. Could he perhaps give us a little bit more detail about the

succession plans, what the Government, in consultation obviously with the Chief Secretary, is doing in relation to succession planning for those two very important roles?

625 **Hon. Chief Minister:** Well, Mr Speaker, first of all, I do not want him to think that he has needled me. I do not think I have reacted in any particularly partisan manner, but I suppose that, given there is a by-election on, we have all got our party political antennae out!

630 I am not able to give him chapter and verse of what is happening in terms of succession planning and I am very conscious that I should not say anything in this House which might mislead the House, or something which might create bait for future sessions.

635 So what I will limit myself to saying is that there is a succession plan in place, to this extent: each of those office holders are identifying the best people to potentially take over from them and involving them in the work that they are doing, perhaps at a higher level than they have until now, and not just necessarily identifying one or two potential officers, but perhaps sometimes more than one or two officers so that there is a succession plan not just for one generation, but for two generations, because in some instances, the people who might potentially take over from them, although they are not the same age, are near in age and therefore it may be that the succession does not last for very long. There has to be a two- or three-stage process identified until you get to somebody who is going to hold the post as long as they wish to, for a considerable period of time.

640 Mr Speaker, I think this is an essential part of having a modern Civil Service that is fit for purpose, so that people are not essential to the extent that their going can cripple the Service. What I will say in respect of both of these two very senior and very pivotal members of the Civil Service is that they recognise that themselves and they have such responsible approaches to what they do that they have started the process of working with the Government to ensure that there is a potential succession plan in place for each of them.

645

**Clerk:** Question 504, the Hon. D A Feetham.

650 **Hon. E J Reyes:** Mr Speaker, may I...?

**Mr Speaker:** Yes.

655 **Hon. E J Reyes:** Mr Speaker, if I may take up the Chief Minister, he mentioned before, in giving an example, he said that someone may in the future intend to be an applicant for the post of Chief Secretary. Does that mean that the Government intends to have a change of policy, because in the past, including up to the appointment of the last Chief Secretary, there has never been an advert put out, but rather a person was invited to take over the position?

660 Does that mean that perhaps as part of the Civil Service Review, the Government intends to change that procedure?

660

665 **Hon. Chief Minister:** No, Mr Speaker, and the hon. Gentleman knows that the procedure followed in Gibraltar is exactly the same as the procedure followed in the United Kingdom, which I had cause to look into at the time that I made the appointment of the current Chief Secretary for the appointment of the Cabinet Secretary, who is appointed by the Prime Minister without there being a process of open application. So there is absolutely no intention of moving away from that practice in the United Kingdom and in Gibraltar.

But I must tell him, Mr Speaker, that as soon as people get whiff of the fact that the post is going to be vacant, one gets applications, even though applications are not invited.

670 **Hon. E J Reyes:** Yes, thank you for that, Mr Speaker, and traditionally, there has always been held as well, always been understood by all civil servants that the qualification, if one can put it that way of requirements to be a Chief Secretary is that the person himself be a graduate. Is that still Government's intention to keep with that tradition going?

675 **Hon. Chief Minister:** Mr Speaker, I had not turned my attention to that aspect of this matter but, from memory, I think all of the people I can think of who have held the post are graduates.

680 I am not a snob and if there is a right person to fill the post who might not be a graduate, I do not see why they should necessarily be a graduate, if they have all the qualities and are able to persuade the incumbent that they are the right person for the job. I do not think that a piece of paper should stand in the way between them and the right post, if they are the right person for the job.

But look I have not turned my attention to it and I am simply answering on the basis of the fact that he asked me that question and I accept the premise of it, but I do not give him a definite answer one way or the other.

685 **Hon. E J Reyes:** Yes, Mr Speaker, I thought that the Chief Minister might be interested to know that there has been that condition. In fact, perhaps one of the reasons why so many civil servants in the past, as well, took the opportunity being offered to do the diplomas, eventually leading even to Masters qualifications in management and so on, that were being offered in partnership with the Durham University. Just food for thought for the Chief Minister to bear in mind, so that we do have fruitful succession planning, when the time comes and one is able to plan well ahead, if one bears in mind what has been traditionally the case, what most civil servants expect, unless there is an announcement to the different made, and of course, I think the trade unions might well want to have a little bit of say in that matter for the future.

So just for his information, Mr Speaker.

695 **Hon. Chief Minister:** I am grateful, Mr Speaker.  
I will just say that I know many brilliant people who do not have degrees.

**Hon. D A Feetham:** And Mr Speaker, I agree with that entirely.

700

**GGCA committee  
Facility time during working hours**

705 **Clerk:** Question 504, the Hon. D A Feetham.

**Hon. D A Feetham:** Yes, Mr Speaker, have there been any requests by the GGCA committee for facility time during normal working hours in order to facilitate the conduct of the committee's affairs?

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

**Chief Minister (Hon. F R Picardo):** Business, I think is what the hon. Gentleman meant, not necessarily affairs, but anyway...

715 Mr Speaker, yes, sir.

**Hon. D A Feetham:** And, Mr Speaker, has the Government been well disposed to such requests made?

720 **Hon. Chief Minister:** Mr Speaker, it is not an issue that has come to the vertical Government; it is an issue that is being considered by the Chief Secretary.

**Hon. D A Feetham:** Yes, Mr Speaker, but of course the Government is responsible, also, to and is accountable in this House, even when it is a matter that is being dealt with by the Chief Secretary.

725 Can the Hon. the Chief Minister tell me whether the Chief Secretary has agreed to provide for facility time or whether he has declined it?

**Hon. Chief Minister:** I cannot, Mr Speaker, because I have answered his question on the basis of the information provided to me and it is not something that has been raised with me. I have regular meetings with a number of the unions, with the GGCA, the GTA and Unite. The GGCA have not raised this issue with me.

730 I am reticent to get involved in industrial relations matters that do not come to me, because I think very often what has happened in the past is that the Office of the Chief Minister has become the place where all industrial relations issues have been settled. I am trying to re-establish the practice that the Human Resources Department should have an involvement at a particular level, that the Chief Secretary should have an involvement at another level, and that my political office should become engaged only when the Unions feel that they need to engage me or the Human Resources Department or the Chief Secretary feel that they need to engage me on those issues.

735 They have not felt it necessary to engage me on this issue and, therefore, I am quite happy to find out the information and answer him if he wishes, but it is not something that has come to me and therefore I cannot give him the answer.

740 **Hon. D A Feetham:** Mr Speaker, that is all very well but, of course, I have engaged the Hon. the Chief Minister in relation to this issue. I have asked the question whether the GGCA committee has asked for facility time and the answer is yes. I would have thought that in asking whoever it is that drafts that answer, 'has the committee asked for facility time?', it is very odd that the Hon. the Chief Minister has

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750 not asked, 'Well, what was the response to the request for facility time?' It is an obvious supplementary to ask, but can the Chief Minister perhaps undertake to ask the question and give me an answer next week when we are at the Budget Session, perhaps outside the House... sorry in the lobby of the House? I will settle for that and if there is any other question that arises as a consequence of that, I will ask him next time round.

**Hon. Chief Minister:** Most certainly, Mr Speaker.

755

**Sunborn Floating Hotel  
Financial assistance from Government**

760 **Clerk:** Question 505, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister state whether the owners of the Sunborn Floating Hotel have had the benefit, either directly or indirectly, of financial assistance from the Government?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 506 to 508.

770 **Clerk:** Question 506.

775 **Hon. D A Feetham:** Mr Speaker, is the Chief Minister now in a position to state whether the owners of the Sunborn Floating Hotel have had the benefit of a soft loan from the Government and, if so, provide details of the amount and outline of the terms of repayment and whether the proceeds of the loan will be drawn on the Consolidated Fund or the Gibraltar Savings Bank?

**Clerk:** Question 507.

780 **Hon. D A Feetham:** Can the Chief Minister state how long the Sunborn has been contracted to remain in Gibraltar for?

**Clerk:** Question 508.

785 **Hon. D A Feetham:** Further to Question No. 421/2013, can the Chief Minister state whether he is now in a position to provide details of the estimated costs to the Government of the land reclamation and all works needed to allow the Sunborn Floating Hotel to berth at its intended berthing site at Ocean Village?

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

790 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no financial assistance has been provided by the Government to the owners of the Sunborn Floating Hotel.

There is no soft loan from either the Government nor the Gibraltar Savings Bank to the owners of the Sunborn Floating Hotel.

795 The Government is unable to provide an answer in this House in respect of agreements entered into between two private entities, namely Ocean Village and the owners of the five-star Sunborn Floating Hotel.

800 I can tell him what I know, but I cannot answer for it: what I know is that they have entered into an agreement for 15 years, but it is not something that the Government is answerable for. I want him to understand there is no agreement with the Government in that respect.

The full extent of the works to be undertaken both for the berthing of the Sunborn and in the immediate surrounds to the same are not yet fully finalised and I am therefore not presently able to provide the information being requested.

805 **Hon. D A Feetham:** Mr Speaker, when he talks about no financial assistance or soft loan being provided to the owners of the Sunborn, does that include as well, or can he confirm, that no financial assistance or soft loan has been provided to any other party who is contracting with the owners of the Sunborn or has any involvement in relation to this particular project?

**Hon. Chief Minister:** Yes, Mr Speaker.

810

**British Gibraltar Territorial Waters  
Fishing with nets; incursions by Spanish vessels; arrests for illegal fishing**

815

**Clerk:** Question 509, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government state whether it intends to change the law in order to allow some fishing with nets in British Gibraltar Territorial Waters?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 510 to 513.

825

**Clerk:** Question 510.

**Hon. D A Feetham:** Can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish state vessels on a monthly basis since the answer given to Question No. 195/2013?

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**Clerk:** Question 511.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish fishermen, where they have been unaccompanied by Spanish state vessels, on a monthly basis since the answer given to Question 196/2013?

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**Clerk:** Question 512.

**Hon. D A Feetham:** Can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish fishermen, where they have been accompanied by Spanish state vessels, on a monthly basis, since the answer given to Question No. 197/2013?

840

**Clerk:** Question 513.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state how many arrests have been made for illegal fishing in British Gibraltar Territorial Waters, on a monthly basis, since the answer given to Question No. 198/2013.

850

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

**Hon. Chief Minister:** Mr Speaker, the Government's position has been made clear repeatedly in this House. If the Government were to intend to change the law, it will become evident to the hon. Member when a Bill is published.

855

I now hand the hon. Member a schedule with the information requested in answer to Questions 510 to 512.

Mr Speaker, there have been no arrests of Spanish fishermen since January 2012. One Spanish fisherman has been reported and the case is currently, as he knows, with the Magistrates' Court.

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**ANSWER TO QUESTION 513**

**Answer to Question 510**

2013					
	January	February	March	April	May
Major Incident (Class A)		1		1	5
Minor Illegal Incursion (Class B) i	14	2	4	18	3
Minor Illegal Incursion (Class B) ii			1	2	17
Minor Illegal Incursion (Class B) iii	3			0	1
Minor Illegal Incursion (Class B) iv			3	1	0

**Answer to Questions 511 and 512**

2013					
	January	February	March	April	May
Fishing Incursions (Not accompanied)	50	32	20	66	53
Fishing Incursion (Accompanied)	31	-	4	8	1

**Hon. D A Feetham:** Mr Speaker, may I continue with some supplementaries whilst the schedule is passed on to me?

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Mr Speaker, the Hon. the Chief Minister says that if the Government intends to change the law in order to allow some fishing with nets, it will become obvious when the Government publishes a Bill. Can the Chief Minister, therefore, assure this House that when the Government has published amendments to the Nature Protection Act, allowing for secondary legislation to be introduced, that the Government is not going to, via secondary legislation, allow any fishing with nets which would obviously deprive the Opposition of debating the issue in this House, because it would not be presented by way of primary legislation in this Parliament?

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**Hon. Chief Minister:** Mr Speaker, as I understand the position, in order to allow fishing with nets, there would have to be an amendment to the principal Bill, and therefore there will have to be a debate in this House.

875

**Hon. D A Feetham:** I agree entirely and, in fact, that is a point that immediately came to my mind, when I read yesterday's article in the *Chronicle*, in relation to how effectively the Government was moving ahead with its proposed solution to what I have described as the 'fishing crisis' – I know that we disagree in relation to that use of terminology.

880

So am I right in saying, therefore, that the intended secondary legislation that the Government intends to introduce by way of regulation will have absolutely nothing to do with a proposed solution to the situation that we have now of Spanish fishermen coming into British Gibraltar Territorial Waters and fishing in our waters in breach of the Nature Protection Act, with nets that are obviously outlawed by the principal legislation itself, by the Nature Protection Act?

885

**Hon. Chief Minister:** Mr Speaker, I am very grateful for the way the hon. Gentleman has put that question, because it clarifies, of course, that that is exactly the sort of illegality that was allowed under what is now known as the *infamous* 1999 Fishing Agreement. (**Several Members:** Hear, hear.) (*Banging on desks*) I could not have asked him to put it more clearly and I am very grateful that he has.

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Mr Speaker, there are many aspects to what he has called the 'fishing crisis', in an exercise in hyperbole, the sorts of which this world has not yet ...had seen until he decided to describe this as a 'crisis'. There are also many aspects of what happens in British Gibraltar Territorial Waters from onshore and from offshore that require regulation and if he looks at our manifesto, he will see that it was not just explicitly dealing with the 1999 Fishing Agreement; it was dealing with a number of other issues as well. Different regulations will deal with different aspects of the matters which need to be dealt with, and when legislation is published, he will see which aspect of which matter each piece of legislation is designed to deal with.

895

**Hon. D A Feetham:** Mr Speaker, I am very grateful for that answer.

900

I do not understand for the life of me how one cannot describe as a 'crisis' the fact that there have been 50 incursions, unaccompanied by Spanish state vessels of Spanish fishermen to fish in our waters: 50 in January; 31 accompanied in January; 32 unaccompanied in February; 20 unaccompanied in March; 66 in April; and 53 in May.

905

When, Mr Speaker, does the Government intend to get a handle on this problem, in order to ensure that our waters are not systematically effectively incurred in this way and to prevent Spanish fishermen

from... either prevent them from fishing in our waters illegally or alternatively finding a reasonable solution that allows them to do so, but in a way that is in accordance with our law?

910 Because at the moment, this is causing *huge huge* uncertainty, particularly to the many police officers out there who every single day have to deal with this problem and the consequences of the Hon. the Minister for the Environment's statement to Facebook last year.

**Hon. Chief Minister:** Mr Speaker, the agreement that was... The hon. Gentleman is a sucker for punishment!

915 The agreement that was in place when he was *Minister for Justice*, when he took a specific oath – not just like all the rest of us do as Ministers, but as the hon. the now backbencher, the hon. the current Minister for Justice and he took, a specific oath to uphold the rule of law – that agreement, which was in effect when he was Minister for Justice and took that oath, specifically said that it allowed four Spanish fishing vessels a day to fish in British Gibraltar Territorial Waters in direct contravention with Gibraltar law – which means, Mr Speaker, that these figures that the hon. Gentleman has referred to are nothing compared to the fishing that used to go on then.

920 In case he cannot do the math, four times 30 a month is 120 incursions which he, as Minister for Justice for the four years that he was there, presided over. So 53 offends me, but it cannot offend him because he was giving a licence for people to break our laws. He did not come here to change our law; he gave a licence for 120 breaches of our law, at least, by adopting and ever since then, speaking in favour of that act.

925 So it is incredible, Mr Speaker, that in all of these months, except in April, there are less than half the incursions that hon. Members opposite, when they were here, and him in particular as Minister for Justice, allowed under this unconscionable, illegal and unconstitutional agreement; and yet now, he considers 20 unaccompanied fishing incursions in March a crisis that should concern us because of the police officers that have to face it.

930 I know that he told, Mr Speaker, members of the Defenders of Gibraltar group that if he were Chief Minister and these issues were not dealt with, he would sack the Commissioner of Police. Now, he must have read a different Constitution to the one that I have read, because the Chief Minister of Gibraltar does not have power to sack the Commissioner of Police.

**Hon. D A Feetham:** Mr Speaker, it is totally inappropriate for the hon. Gentleman to bring to this House something that I have alleged to say to the Defenders of Gibraltar which is simply not true. I have not said that to the Defenders of Gibraltar and he is, under the guise of parliamentary privilege, effectively committing a libel or a slander on the Leader of the Opposition. If he had said that, or anybody had said that outside this House, I would take action, because it is *simply not true*. It is not true that I have said to anybody within the Defenders of Gibraltar that I would sack the Commissioner of Police and I am surprised that he should make that comment under the protection of parliamentary privilege.

940 **Hon. Chief Minister:** Well, Mr Speaker, I have had it reported to me by so many members of the Defenders of Gibraltar so repeatedly, especially on the day that he said it, that I must tell him that it had the ring of truth about it. But if he denies it in this House, I am happy to accept his denial of that and that he is saying that those who told the Chief Minister that were liars. It is a matter entirely for him.

945 Mr Speaker, I am grateful that he now says that because, of course, if he had said that, and he now denies that he said it, he would have read a completely different Constitution to the one that I operate under, which does not give the Chief Minister of Gibraltar the right to sack the Commissioner of Police.

950 But, Mr Speaker, this 1999 Agreement obviously encouraged people to break our laws. We are not going to allow an agreement or form part of an agreement that encourages people to break our laws. But if he wants to look at what really matters, if he wants to look at 'Major Incident (Class A)' in the table that I have given him for 2013, in answer to Question 510, he will see that there were six such incursions during the course of the year to the end of May – *six* Class A incursions.

955 I put him in mind the statement that the previous Chief Minister, now the hon. the backbencher, made in a ministerial statement as a result of the incursions that were occurring in 2010. He might recall that the hon. the previous the Chief Minister, now the backbencher told the general public in a ministerial Statement that if they were approached at sea by the *Guardia Civil*, they should go for their flare guns and discharge them so that the Gibraltar Police and the Navy Squadron could come out to defend them.

960 That is a moment of crisis, Mr Speaker. *That* is a moment of crisis – if not least because of the, in my view, hugely imprudent step of the then Chief Minister of Gibraltar advising people to go for a firearm when confronted by a law enforcement official of a neighbouring state that carries a firearm also, and would not know whether the citizen of Gibraltar who goes for his flare gun is going for a firearm to shoot at them or to shoot into the air because of the political dispute. That is a crisis, Mr Speaker.

965 It is also a crisis, Mr Speaker, when the frontier was closed, by fishermen in 1999 leading the Government of Gibraltar to have to enter, for the first time in its history, and I hope the last, into an

970 agreement to allow foreign nationals to break the laws of Gibraltar whilst the same laws of Gibraltar are enforced against Gibraltarians. That is a crisis, Mr Speaker: it is a crisis of the rule of law.

Mr Speaker, whilst I am Chief Minister, there will be no crises of the rule of law of that sort, because this Government will never enter into any agreement that anybody be allowed to break the laws of Gibraltar.

975 Neither, Mr Speaker, will any citizen of Gibraltar be encouraged to go for a firearm, when faced with a foreign law enforcement official who is packing a sidearm. (*Banging on desks*)

**Hon. D A Feetham:** Yes, Mr Speaker, well, thank you very much for that political speech, but of course, Mr Speaker, I disagree with everything that he says, in the way that he characterises it.

980 Mr Speaker, when the 1999 Agreement was in place, Spanish fishermen were genuflecting and recognising our laws – not like now, when they are coming into British Gibraltar Territorial Waters escorted by the *Guardia Civil* in complete contravention and disrespect of our laws.

985 Mr Speaker, I do not agree there were more incursions then than there are now. The only person who holds that view in Gibraltar must be the Chief Minister of Gibraltar, because quite frankly, everybody knows that there are more illegal incursions into our waters today than at any time in our political history, and that is a fact.

990 But, Mr Speaker, what I am interested in is in solving the problem. That is what we on this side of the House are interested in. What we want is for the uncertainty that has been created by a lack of judgement on the part of the Government and Government Ministers in the way that they dealt with the 1999 Agreement, which *I have accepted* could have been replaced by something else. But of course, you do not replace something without having anything in its place. That is the point that we have made consistently.

995 Now, Mr Speaker, one final opportunity: will the Chief Minister please provide this House with information as to what solution the Chief Minister is working to in order to solve this particular problem and get rid of the uncertainty? Because *that*, and not the political points that he has been making in answer to my previous question, is what the people of Gibraltar are interested in. They are interested in solutions.

1000 **Mr Speaker:** Before the Chief Minister answers, I have been liberal because we are dealing with four questions on the question of illegal fishing in our British Territorial Waters, which is an important issue; but I think hon. Members will agree... and I have been enjoying, as a political animal that I am, these exchanges! But I really must call upon the Leader of the Opposition and the Chief Minister to bring these exchanges to a close, because they are now really beginning to debate.

1005 **Hon. Chief Minister:** Mr Speaker, conscious of what you have said, and political animals though we all are, you are of course right. If I may simply deal with the four points that the hon. Gentleman has made in turn.

1010 Mr Speaker, the hon. Gentleman cannot persuade anyone with half a brain that there are more incursions now than there were before, because there were so many incursions before, as a result of an agreement, that there were no statistics kept – incursions became order of the day. There was an agreement to allow incursions and therefore nobody counted them!

The then Chief Minister then set out in an agreement how many incursions were *allowed*: four a day and I am told, Mr Speaker, that on some occasions that was even exceeded. So, there is no question, Mr Speaker, of there being more incursions today than before.

1015 Of course, today the Government does not allow the incursion and therefore it is *counted* as an incursion. Statistically the hon. Gentleman is talking nonsense, as he is, Mr Speaker, with the very greatest of respect, when he says that under the 1999 Agreement, Spanish fishermen were genuflecting to Gibraltar law. There are a number of phrases in Spanish that describe that sort of remark, Mr Speaker, (*Laughter*) but when you have a law that says you cannot fish with a net and a Spanish fisherman comes with a net and fishes, the hon. Gentleman and I have different definitions of what genuflecting means, because what was done under the 1999 Agreement was not to genuflect; it was simply to ignore by agreement what the law provided for.

1020 He may have decided, because I have heard him repeat it so often, that this is a phrase that sounds good and there may be people without the capability of doing a simple analysis who might believe things because they sound good, and he is appealing to them. Well look, we each do politics in a different way: let him continue to use what he considers to be a catch phrase. But of course it is not true, Mr Speaker.

1025 The third point he makes, Mr Speaker, is that people want solutions. Well, Mr Speaker, he is absolutely right. That is why they voted for this Government, because they wanted a solution to this coach and horses that was being driven through the rule of law in Gibraltar and therefore the Government re-established the rule of law by doing away with the Agreement.

1030 Finally, Mr Speaker, I want to tell him that I agree with him entirely. He said these words, and I have made a note of every single one of them, and if he does not agree, he can check the *Hansard*. He said



1035 there was a lack of judgement on the part of Ministers in the way that they dealt with the 1999 Agreement. He is *absolutely right*. In 1999, Ministers entered into that agreement and it was a huge lack of judgement to have done so. Even the Foreign Affairs Committee of the United Kingdom found that, although it might have been a practical measure, it should not have endured. He is absolutely right. He should tell the Hon. the previous Chief Minister, who is now a backbencher, that he and I share the view that the 1999 Agreement was a huge lack of judgement.

1040 **Mr Speaker:** I will allow the Hon. the Leader of the Opposition one final supplementary, if he wishes to make a...

**Hon. D A Feetham:** Mr Speaker, there is no need. I think that we have exhausted this subject and made the points that we need to make.

1045

**Libel claims by a retired Government Minister  
Government policy**

1050 **Clerk:** Question 514, the Hon. D A Feetham.

**Hon D A Feetham:** Mr Speaker, can the Chief Minister state whether it is Government policy to fund all libel claims brought by a retired Government Minister against a media publication?

1055 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no, sir.

1060 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister explain what is the difference and how he justifies the funding of a claim by the Hon. the Minister for Employment, because, as he has told me in answer to a question that I asked last month, that libel was a libel in relation to the work that he is doing or in his capacity as a Government Minister and a situation, for example, where there is a libel relating to some work or something that has occurred by a person who has been a Government Minister in his capacity as a Minister, but he just simply happens at the time at which the libel is made, not to be a Government Minister? It appears to me to be a very curious and unmeritorious distinction indeed.

1065

**Hon. Chief Minister:** Mr Speaker, I do not see how that supplementary arises. I have given him exactly the same answer to his question this month in respect of retired Government Ministers as I gave him last month in respect of current Government Ministers. I have given him *exactly* the same answer, so I do not see how he can make that point.

1070

**Hon. D A Feetham:** Mr Speaker, the point is made by virtue of this: last time round he said that it is Government's policy to fund libel claims brought by Government Ministers.

1075 **Hon. Chief Minister:** Point of order, Mr Speaker.

I am going to read him the question he asked last time and the answer I gave. Mr Speaker, he said:

1080 'Can the Chief Minister state whether it is Government's policy to fund all libel claims brought by a serving Government Minister against a media publication?

... Answer, the Hon. the Chief Minister.'

... Mr Speaker, no, sir.'

That is the answer I gave him last time as a first answer, and it is exactly the same answer I have given him this time as a first answer, so how can he say there is a difference?

1085

**Hon. D A Feetham:** Because then in supplementary – I do not have *Hansard* in front of me – we then exchanged... I then asked further questions in supplementary and the Government... Obviously, I cannot remember the nature of the exchanges, but, of course, by virtue of the fact that the Government has funded the libel claim by the Hon. the Minister for Employment, Mr Bossano, the Government must have taken a decision in relation to the funding of that libel claim. It must have been taken on some basis.

1090

Now, what I am asking now is, how does the Government distinguish between the funding of his claim and a claim that may be brought in similar circumstances by somebody who is not serving as a

Government Minister today, but the circumstances of the libel, the falsehood, may be very similar in circumstances to the one that related to Mr Bossano?

1095 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is obviously not prepared for today. He has asked a question today, the terms of which he needs to understand and make himself responsible for:

1100 'Can the Chief Minister state whether it is Government's policy to fund *all* libel claims brought by a retired Government Minister against a media publication?'

Of course not, Mr Speaker. This does not refer to the fact that it may be a libel arising from his functions as a Minister. It does not refer to what type of libel it may be, and that is why I gave him the answer, 'No, sir', which is identical to the answer I gave him last time in respect of his first question.

1105 Mr Speaker, I told him last time that issues like this will be referred to the Chief Secretary for the Chief Secretary to make determinations.

Mr Speaker, look, if what actually he is trying to ask me, I discern, is 'If somebody who is no longer a Minister suffers a libel relating to or arising from his functions as a Minister, would the Government have a policy to also enable that individual to have his costs of that libel action funded against the media outlet that carried the libel?' that is not his question, but it appears that is what he wanted to ask.

1110 Well, Mr Speaker, in those circumstances, I think that that individual should go to the Chief Secretary and say, 'Look, this arises from the service I gave to the Crown and I would ask you to fund this libel action which I am required to take.' But it is not an issue of Government policy, Mr Speaker.

1115 I think this is something that all of us who serve the Crown in different capacities continue to be entitled to go back in respect of that service and find from those who are currently serving in the capacity of the Head of Administration, to ask them for their assistance in whether it is finding a file in relation to something one may have done when one was a Minister or otherwise, or defending oneself against a grievous libel, if the Chief Secretary considers it appropriate.

I also talked to him about degrees of libel, and not simply the Government becoming a deep pocket that funds the libel actions of those with the thinnest possible skin.

1120 So, Mr Speaker, I do not see that any of the supplementaries that he has put are relevant and I hope that he is satisfied with my answering what I thought was the question he was trying to ask, although he did not quite ask it.

1125 **Hon. D A Feetham:** Mr Speaker, the Chief Minister, on the final question of the day, really is playing games. We had a number of exchanges and I asked a number of questions last time round and, quite rightly, he said to me, in answer to supplementary last time round, that the policy was that the matter would be referred to the Chief Secretary of Gibraltar and the Chief Secretary of Gibraltar would then effectively consider the matter. But of course, presumably it would then have to go back to the Government, because he has rightly recognised that what the Government cannot do is fund libel actions when somebody may have been mildly defamed, when in circumstances where we are all politicians and we are expected to deal with issues, even where technically it may well be a libel.

1130 I then asked him a supplementary, last time round, whether that extended to a retired Government Minister and it was ruled not admissible, because it did not arise from the original question. He knows what I am getting at.

1135 Now, can I ask him, is the policy therefore, (*Interjection*) Mr Speaker, exactly the same for a retired Government Minister as for a serving Government Minister? The policy is the same except that one is retired and the other one is still serving, but the policy is the same: in other words, refer to the Chief Secretary, Chief Secretary making a recommendation to the Chief Minister and then a decision being made.

1140 **Hon. Chief Minister:** Mr Speaker, he may try and get out of the question he has put however he likes. I have told him that I have discerned the question that I think he intended to ask, but his question – and I hope he recognises this, because I am actually not trying to be difficult or play games – does not say what he obviously intended it to say. That is fine, we are all under pressure in this job, whether it is that one or this one, and we have to –

**Mr Speaker:** May I...? Is the Chief Minister in a position to answer this last supplementary?

1150 **Hon. Chief Minister:** I am, Mr Speaker.

Therefore that question elicited not an answer that was a game; it elicited an answer that had to be given, because otherwise, Mr Speaker, how long is a piece of string? Anybody who has been an ex-Minister cannot come and say, 'Look, as a result of something I am doing now, somebody has referred to

me as...’ For example, because this is an argument that could be made, Mr X, an ex-Minister, is now involved in a fraud, right now. Well, that is the question. Right?

1155

**Hon. D A Feetham:** Answer the question.

1160

**Hon. Chief Minister:** That is not something that in my view should be covered, because although it refers to the ministerial office, the libel in that context is not arising from or related to the ministerial office. It simply uses the ministerial office as descriptive of the individual.

But if somebody were to say, ‘When Mr X was a Minister, he had his hand in the till’, a libel relating to what that individual did arising or related to his office, in my view that individual is entitled to go to the Chief Secretary and say, ‘Look, this arises from my service to the Crown, and I now need to take proceedings and I need the Crown to cover the costs of those proceedings.’

1165

It is almost a vicarious liability point, when an individual, relating to the discharge of his employment, is entitled to ask his employer to cover the costs that he may incur in having to take that action. So in those circumstances, my view is that the Chief Secretary should provide cover to that individual in those circumstances, but he has to have this question of degree also in mind.

1170

And I do not agree with him that this should be a matter for the Chief Minister of the day. I do not think that this is strictly an issue of policy – although anything which results in money flowing from the Government is going to have to result in an appropriation from this House in some way. Things have to be insulated in a mature democracy from the political complexion of the Government of the day, because I have no doubt that if I am libelled, if the *7 Days* were ever to come back to life – please God, it will never happen – after they come back to office, and the then Chief Secretary has to ask him whether to fund my libel action against the *7 Days* in an article that has very likely been written by one of his acolytes, he will say no. And he can say exactly the same thing about *The New People* if he wishes.

1175

I am simply trying to illustrate the point that this should be an issue insulated from the partisan identity of the Government at the time. It should be – and in my view, it *is* – an issue in the discretion of the Chief Secretary, because of the service given to the Crown by the individual who might be making the application for support or funding.

1180

**Hon. D A Feetham:** Well, Mr Speaker, I agree entirely with the Chief Minister in relation to this. That is why I am surprised that I find myself asking the question here today, when the answer, in my view – although he hesitated last time round, when I was asking questions about this one – is so obvious. You cannot really sustain a distinction in relation to a Government Minister and a former Government Minister for the reasons that he has outlined. There is just no distinction at all.

1185

But, Mr Speaker, just in relation to... and there has to be a policy. The policy is the referral to the Chief Secretary: that is the policy. In relation to that policy of referral to the Chief Secretary, and the Chief Secretary making a decision as to how those libel claims are... or which libel claims are going to be funded – because as he rightly points out, there are degrees in the seriousness of libel claims – how does the Chief Secretary make that decision? Is the Chief Secretary taking advice from lawyers in relation to this, because, after all, there can be considerable expenditure to the Government as a consequence of a libel action, not only in relation to the funding of the Government’s own lawyers for the Minister, but also in any adverse costs order that is made against them, should he lose the libel?

1190

1195

What kind of process does the Chief Secretary go through, in relation to a determination as to whether it funds a libel claim or not? Or is it left entirely to the discretion of the Chief Secretary, and the Chief Minister does not know, despite the fact that there could be a very substantial cost to the taxpayer?

1200

**Hon. Chief Minister:** Well, Mr Speaker, he was in Government for four years as Minister for Justice and he does not appear to know the answer to that, so I do not know why he expects me to know the answer to this.

1205

But, Mr Speaker, I have to tell the hon. Gentleman, I have to put it to him, that he needs to read the *Hansard* for last time, because he has now said that I refused to answer... Look, Mr Speaker, he has said that, or that I was hesitant in answering. Mr Speaker, he needs to read – (*Interjection by Hon. D A Feetham*) No, no, I have to ask him to look at the *Hansard*.

1210

I did *not* hesitate to answer the question when he put it about previous Ministers. Mr Speaker actually said that he felt that was beyond the ambit of the question and then the hon. Member had an exchange with Mr Speaker. I did not say boo to a goose in respect of that part of it. In fact, Mr Speaker, I continued to deal with the issue, when he put it to me, by saying that, in my view, this was an issue for the Chief Secretary.

There is no developed policy. Nobody has dealt with this issue before, because nobody has made an application before.

Now, I do not know whether a policy should be developed. I think that it is very likely that this would engage legal issues as to degree of libel and of liability as an employee of the Crown, as a servant of the

1215 Crown. A Minister is a servant of the Crown; he is not a civil servant, but he is a servant of the Crown,  
and therefore, Mr Speaker, I am not going to make up policy on the hoof, or answer what is, in effect, a  
hypothetical question, with your indulgence, other than to say to the hon. Member that if this is an issue,  
we should give it some thought – perhaps the Select Committee should consider it, as one of the issues  
1220 that we consider in terms of the reform of Parliament, because this exclusively affects parliamentarians,  
or Ministers – but it is not something that is at the moment set in stone. There are no criteria that I can  
refer him to.

But my instinct – and it appears to be the same instinct as his, and I do not know whether I detected  
some nodding from Mr Speaker, but I would have thought from anybody who has been a Minister before  
– is that if somebody says something about what you did as a servant of the Crown, as a Minister – and  
1225 specifically that, and it *is* an actionable, serious libel – then it is very normal that you should be entitled to  
go to the Chief Secretary and have those costs covered.

Does that mean that if you lose, the Chief Secretary will also engage coffers to cover the defendant's  
costs? Does it mean that a test will have to be gone through before you are funded, as to whether what has  
1230 been said is likely to be true or not likely to be true – a little bit like the legal aid test to see whether an  
individual's case is worth pursuing or not? Look, I do not know – I imagine there must be something like  
that.

But I do not think, Mr Speaker – and this is where I think there is a serious disagreement between him  
and me – I do *not* think that that is a matter of policy for the political Government of the day. It cannot be  
1235 our policy that their service as Ministers, for four years or for 16 years in the context of other Members of  
the benches opposite, should not be recognised and they should be deprived of their pension. These things  
are insulated from the political colour of the Government of the day, as they should be.

So it is not a *policy* issue in my view; it is a *legal* issue of entitlement, because you have been a  
servant of the Crown.

1240 **Hon. D A Feetham:** Mr Speaker, it cannot be an issue of legal entitlement. No Minister of the Crown  
is entitled to have his libel claim funded by the Government. Indeed, the policy was a novel one, and it  
has been... I know he does not like me using the 'policy', but the *decision* as to fund Mr Bossano's libel  
claim was a new decision. It never happened in the past, as far as I am aware. Nobody has ever had a libel  
1245 claim funded by the Government, or a serving Minister has had a libel claim funded by the Government.

Look, I have only been a Member of this House for the last seven years, but certainly, I would have  
thought that I would have heard about this, or indeed the former Leader of the Opposition.

But you see, there are very disturbing factors in the background here because, firstly, the Chief  
Minister has already recognised that potentially there is a huge potential outlay for the taxpayer, not only  
1250 in costs of the Minister, but also in any adverse costs. Then you have the situation where you have got to  
take an assessment about the degree of the libel, and then you have a situation where we are looking at  
the prospects of success.

Now, can the Chief Minister tell me how those factors were investigated, and whether they were  
looked at in relation to Mr Bossano's libel claim, for example? Because we are none the wiser on this side  
1255 of the House as to how that particular decision was actually made, because he keeps on saying there is no  
policy, but I would have thought that it is in the Government's interest, and it is the Government's duty,  
to have a policy in relation to this, that is clear, that is transparent and that everybody knows where they  
stand in relation to it.

1260 **Hon. Chief Minister:** Mr Speaker, he just does not understand.

First of all – (*Interjection by Hon. D A Feetham*) No, no, Mr Speaker, *he* does not understand. (**Mr  
Speaker:** Order!) He is asking hypothetical question over hypothetical question, and the Standing Orders  
do not allow him to do that. (*Interjection by Hon. D A Feetham*)

Mr Speaker, he is asking us now, his final question is about something completely unrelated to the  
question that he is asking. He is now going back to the question that he asked last time, and asking us  
1265 about what criteria were followed in determining whether or not Mr Bossano's libel costs should be  
covered. (*Interjection by Hon. D A Feetham*)

Mr Speaker, I am telling him, this is not an issue of policy. In my view, this is a simple issue of  
employment law. He says he does not recognise this issue ever having arisen under him. Well, look, they  
1270 may have taken the view that they were not libelled; or that they were libelled but they were going to  
ignore it; or they may have considered taking libel proceedings, but not in the end decided for whatever  
reason that they were going to take them.

In my view, this *could not be clearer or more transparent*. I have said it on a number of occasions. If  
somebody serves the Crown as an employee, AA Grade or as a Minister, and they are libelled because of  
1275 what they are doing in their job, in my view, the law should entitle them to be covered by their employer,  
because if what they are doing is in the discharge of their employment, then it is that simple.

When he starts his questioning, he seems to be nudging us towards, 'Please cover retired Ministers, as you think that current Ministers should be covered.' When he finishes his questioning, he seems to be nudging us towards, 'Nobody should be covered, because there could be an open-ended liability.' He has got to make up his mind.

1280 My view is very simple. The microphones are going crazy today. My view is very simple. It should apply in the same way to Ministers or to retired Ministers, because if it is their service to the Crown that is being questioned, then whether they are retired or not should not make any difference. The determining officer should be the Chief Secretary and he can make decisions as to all of the other criteria that should apply.

1285

**Mr Speaker:** Whilst it is not for me to get myself involved in these exchanges, I do have to declare an interest, because I am a retired Government Minister. The problem as I see it is that, in the days when I was a Minister, one was less likely to be the subject of libel, because it would have been carried out, say, through the medium of a newspaper, or the broadcasters. They themselves exercised – those responsible exercised a degree of censorship.

1290

Now, with the onset of the social media, we are all fair game, including the Speaker, and therefore – (*Laughter*) Yes, yes, already yes! Therefore I think it would be a very good thing, and I propose certainly when I meet the Select Committee to ask them to deal with this matter, because I have a double interest, as a Speaker today and as a former Government Minister.

1295

**Hon. D A Feetham:** Mr Speaker, and that is... and Mr Speaker, with respect, makes a very, very valid point. It is the point that I am trying to elucidate from the Chief Minister, because of course, if you are going to have a policy about the funding of libel claims for current Ministers... and the Chief Minister has said it is exactly the same now for retired Ministers, and I accept that it is in the context of something quite new, but it is in the context of a libel claim by a Government Minister recently, so that has only arisen recently; it has not arisen in the past.

1300

But there has to be some defined criteria, not least because if I, for example, am libelled or one of my colleagues are libelled, in relation to something that occurred when we were Government Ministers, so that we could have the guidance of saying, 'Well, I think that this is something that is covered or is not covered.'

1305

Just simply saying it is a matter for the Chief Secretary, with respect, in my view, is not a satisfactory policy, because I do not think it is sufficiently transparent enough. I do not criticise the Government when I say it is not sufficiently transparent enough; what I am trying to get at is a definition of that policy, so that it is open and transparent, so that everybody knows where they stand in relation to it.

1310

But I am very grateful to Mr Speaker for the contribution that he has made.

**Mr Speaker:** Perhaps on that note, we can move on to the next question.

1315

**A Member:** Well, *this* is the next question.

**Hon. Chief Minister:** Mr Speaker, in the absence of a question, if I may also be allowed to comment on your remarks, I think that you are absolutely right in that the world has changed, and it is not just established media that one may be libelled in. In fact, one is unlikely to be libelled in established and responsible media, and it is in social media that people may say things that are really quite beyond the pale.

1320

But look, there is also another aspect to this, which I know that Mr Speaker recognises and has come out in the course of what I can only now describe as a debate that we have had, which is that politicians are fair game. I dare say that we are all libelled at the end of each day or at least slandered on a number of occasions, and we do have to have a fairly thick skin.

1325

The time comes, however, where things go beyond a remark that can simply be ignored and in those instances, whatever one's current status may be, my view is, as I have already set out, that one should be covered, almost like an insurance policy on those issues. I am very happy that my proposal that the Select Committee should look at this is going to be taken up by you, as Chairman of the Reform Group, and that the hon. Gentleman seems to be saying now, again, having changed the position again, in my view, that he too is happy to set out some criteria there.

1330

I think that this is a matter, however, for the Chief Secretary. If Parliament wants to give him a steer, then as a Select Committee, all we can do is give a parliamentary steer, not a steer at a Government level. But that could become policy and if we set things out clearly, then that would be helpful to everyone.

1335

**MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY**

**Future Job Strategy trainees**

**Meeting with Minister; details of placements; managers;**

1340

**Clerk:** Question 477, the Hon. D J Bossino.

1345

**Hon. D J Bossino:** Further to Question No. 353/2013, can the Minister for Employment advise when he met the Future Job Strategy trainees and where?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

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**Minister for Enterprise, Training Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Questions 478 and 480 to 483.

**Clerk:** Question 478.

1355

**Hon. D J Bossino:** Further to Question No. 358/2013, is the Minister for Employment now able to provide details of how many individuals are participating in the Future Job Strategy, with details of where they are carrying out their placement/training, to include private entities or individuals, such as private companies or partnerships, and in each case, the names of such entities and names of the Government Departments, Agencies and Authorities; which Future Job Strategy company they are employed by; what the duration of their contracts are; and how many of these trainees have guaranteed jobs following conclusion of their FJS contracts?

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**Clerk:** Question 480.

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**Hon. D J Bossino:** Further to the answer given to Question 342/2013, can the Minister for Employment advise who the managers of each of the companies which participate in the FJS scheme are?

**Clerk:** Question 481.

1370

**Hon. D J Bossino:** Further to the answer given to Question 345/2013, can the Minister for Employment confirm that the Trainee Carers do not obtain any qualification?

**Clerk:** Question 482.

1375

**Hon. D J Bossino:** Further to the answer given to Question 347/2013, can the Minister for Employment advise what stage the new arrangements for apprenticeship schemes have reached?

**Clerk:** Question 483.

1380

**Hon. D J Bossino:** Can the Minister for Employment advise when he introduced the policy to provide trainees on placement periods of three months?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

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**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the meeting with the trainees took place at the Ince's Hall on 1st February 2012 at the launch of the Employment Training Company.

The position as regards the placement of trainees in the public and private sectors continues to be as explained in answer to Questions 503 of June 2012, 731 of September 2012, 257 of December 2012, 58 of January 2013, 178 of February 2013 and 358 of May 2013.

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The details of Government Departments and Agencies involved were given to the hon. Member as requested by letter, in April for March and, as agreed, then will be provided in July for June.

As stated in answer to Question 342, the managers of the companies are Civil Servants or GDC managers from the Employment Service assisted by graduates from the graduate company.

1395

None of the carers taken on by the Care Agency and its predecessor, the Elderly Care Agency between 1996 and 2011 were required to have any qualifications. The requirement was to have two O-levels or previous experience obtained in a care home. This continues to be the case. All trainee carers since, have obtained the required experience by working in the Care Agency and have been monitored by

management and certified by management as having satisfactorily completed their training before taking employment with the Agency.

1400 This training is accepted as contributing to NVQ qualifications if any individual carer decides to continue on this path.

The position is as stated in answer to Question 347/2013.

Finally, the three-month period was introduced towards the end of 2012.

1405 **Hon. D J Bossino:** Mr Speaker, in relation to the first question I posed, the Hon. Minister... I think I know which meeting he is referring to because it was actually recorded here by YGTV and it is actually on-line. I assume it is the meeting that the Hon. the Minister is referring to which was, judging by what he was advising the employees and the future trainees at the time of his scheme, that it was the first meeting he had with them.

1410 He advised them there, and promised them, that he would be meeting them... I think he mentioned two periods of time: at least every three months and then I think he may have said possibly even every month. But certainly his bottom line was to meet with these trainees individually every three months.

1415 Therefore, given that he has only met with them on one occasion, which was the first occasion, can the Minister for Employment explain why it is that he has failed to deliver on that particular promise which he made to the employees?

**Hon. J J Bossano:** Well, I am glad that he has put it in that way, that I failed to deliver, because clearly he thinks it is a very good thing that I should meet these young trainees and that they were looking forward to it.

1420 The fact is that, first of all, the numbers that have gone through the scheme have been much more than we expected, because at the time, the hon. Member will remember that we had five... Most of the people that were there were the people we had inherited. This was at the beginning of the scheme in February. So there were very few new people; they were people who had come in from the VTS and that first meeting was predominantly to explain to the people from the VTS what the difference was between the scheme they were already in – some of them were in the middle of that, that is to say that usually lasted for six months and there were people who had come in in January or December or November and were in the middle, so were sort of half way through.

1425 The monitoring was being discontinued, following the introduction of the new scheme, because in the new scheme we required the employer to select people, but in the first batch of people effectively the people were already somewhere and essentially, we were keeping them there until they could be moved. Therefore, the initial period was one of transition.

1430 I have continued to meet those people that have wanted to come to see me, using my clinics to do that and I did plan originally to keep contact with those trainees in the course of the rest of the year on a quarterly basis.

1435 Well, first of all, the numbers that have come in and gone out since have been much greater than we anticipated would be the case; secondly, the take-up by the employers has been much better than it looked at that time as if it was going to be. So we had a situation where we had something like 300 people coming in in February 2012, of which something like 290 were staying in the places that they had been placed previously and where they were not intending to stay initially and where they were going to be moved.

1440 As we moved them out, essentially the role of the Department having to be on top of them, as it were, diminished with each new cohort that came in in March and April and in the rest of the year, because successfully, we have been introducing a system which started then, which is now fully operational, where the selection of the trainee is not done by the Department; the selection of the trainee is done by the employer.

1445 So the employer in practice nowadays gets an opportunity to select from people unemployed, somebody that he thinks he will want to employ and we make it easier for this to happen by essentially providing for the original trial period of the first month to be paid for by us and for the agreed period that follows, to be paid for by us, the length of which depends on the complexity of the job and the experience that the person has before they take on that job.

1450 So although I would have liked simply for the satisfaction and the pleasure of meeting these young people, to have been able to do it, I have a problem of not having sufficient time to devote to this, given that the numbers grew exponentially after the initial roll. But the numbers have been a constant figure of about 450 to 500, but not the same people all the time, with people coming in and going out and currently the bulk of them being on a three-month turnover.

1455 **Hon. D J Bossino:** Yes, I am grateful to the Hon. Minister for that explanation.

It is not that I like or dislike him meeting with these trainees or whether I think it is a good or a bad idea; it is simply that when I make promises, I like to keep to them and given that his promise seemed so

1460 cast iron and even when I saw it, I thought this is one hell of a commitment here, I suspected that he would not be able to keep it and in that respect I think I have been proven right.

1465 Is the Minister's position that he will not now be meeting the trainees on any regular basis, other than as he has just stated, he is available for people to go and see him as and when in his clinics? But there is no fixed time that he will be meeting with these trainees, as he originally envisaged he would do and promised?

1470 **Hon. J J Bossano:** I want to assure the hon. Member that nothing would give me more pleasure than to be able to meet them regularly, because in fact I enjoy explaining to them the policies that we are doing and making them understand what a wonderful job we are doing for them and their future. I hate not having the chance to do that – as he well understands!

1475 But, the reality of it is that what has developed has been such a success that in fact the people in the system do not stay there very long. We have been able to move within the first year from a situation where we started out giving people... we moved from what was a six month thing to a maximum of 11 months and as I have said in the other question that he asked me, at the end of the 11 months, we had...

1480 The people who were first, the big batch of people first going into employment was in January 2013 and they were the people that had gone into the system in February and subsequently, but quite a lot of them were completing the 11 months, which is where we started in February, so they completed the 11 months. Those are the bulk of the people that I spoke to. By January, all those were out of the system and working.

1485 Subsequently, what happened was that during the course of the year, some of the people that started coming in were no longer on an 11-month cycle; some people were on eight months, some people were on seven months.

1490 By the end of the year, given the fact that we have had a huge increase in the numbers of employers signing an expression of interest to take on trainees, on the one hand, and people coming in to be available as trainees and showing an interest in the areas of employment that were available... Remember that I have explained before, this is essentially demand led, so it is not a question that somebody says, 'Well look, I would like to be a cook' and we then say to him, 'Well look, we will try and find you a job as a cook.' What happens is that if somebody says, 'I want a cook', we then look in the unemployment list, we interview people – when I say 'we', I mean the people that are employed in the service, clearly not me – but they then try to identify who finds the idea of training as a cook attractive. We then supply potential cooks to an employer. The employer then selects the one that makes the best impression in the interview.

1495 In that cycle of events, the reality of it is that my role with the trainees is now very limited, because in fact the system has now, I think, matured to the point where there are many employers who are making return trips, as it were, because they are very happy with the result that they have obtained. Therefore, from the perspective of the difficulty that was supposed to exist in persuading people to work in the private sector, we seem to have been able to make inroads in that area, and employers who previously seemed to have difficulty in being persuaded – I told the Member before that when we first encountered what was there under the VTS, some of the reaction of the employers were saying, 'Well look, I am being helpful, I am being public spirited in taking somebody on', as if it was a burden to take young people on – that is no longer the case. We have got something like 300 employers signed up and we have got the bulk of the trainees that are coming in are coming in for three months.

1500 So, in that context, the opportunity for meeting what is a churn of people, who in the majority of cases are not there for more than three months, is not as relevant as it was initially, but I can assure the hon. Member that nothing would give more pleasure than to have been able to have met them regularly every three months. It is just that it did not fit in with what was happening and I had difficulty in finding the time to do it.

1510 **Hon. D J Bossino:** Mr Speaker, just to point out that, actually, it is interesting how the reality of the hon. Member's scheme on this side of the House is completely different to the way he is actually describing it! Completely different: it is all very rosy, it seems, from that side of the House and quite a different matter on this side of the House.

1515 But, Mr Speaker, is the Hon. Minister actually saying that those who... I have gone through all the *Hansards* and his explanations he has given to the Hon. the Leader of the Opposition when he had this role, that... if I recall it was in February 2012 when the system, the scheme started and what he did then was to transpose, if you like, those in the old GSD VTS scheme into the new GSLP FJS scheme. Presumably it was those bulk of people that he met on that day at the Ince's Hall.

1520 Is the Hon. Minister saying that all those – I think it was about 80-odd number, if I seem to recall? (*Interjection*) Oh, 300 – I am getting confused with another lot I think – that those 300-odd have actually now been employed and were all employed at the end of their 11-month stint? So in other words, they would have been employed by January 2013. I think that is what he said, I just wanted his confirmation



that is indeed what he is saying. So therefore, beyond January 2013, you would have had new people coming onto the scheme.

1525 **Hon. J J Bossano:** What I have said, and I have explained in the answers to the previous questions, if he has looked at it, is in fact that the ones that we are having still in the scheme... I think we have got about 83 left now of the old VTS; they go down every month, they are still employing people from the old VTS. But they were the most difficult ones, for the reasons that I have explained to him, because they were not people who were pre-selected by the prospective employer.

1530 You see, if you give an employer the choice of 10 teenagers and that employer picks one, then there is a greater probability that the employer will retain that one. But if you pick one out of 10 and you send him somewhere and the employer thinks that he is accepting the person that you sent, not because he has made an analysis or a judgement of their aptitude for the work that he needs done, but because he is being public spirited and helping the Government out, then the likelihood of that person being retained is less. It is not the fault of either party; it is the fault of the criteria that were in existence then.

1535 The point that I am making to him is in fact that in the new system, that is not happening and certainly not happening to the same degree. One of the things that I told the hon. Member was that something like 95% of the employers kept the people, when we had the numbers that I gave in January, which was 101 taken on, have increased very substantially since, the position then was that the hon. Member, the now  
1540 Leader of the Opposition said that 101 was the same number as there had been previously when he and Mr Montiel did an exercise. Well look, as I pointed out to him at the time, this is not 101 out of 300 that are finished now and therefore one third; this is 101 that are finished now. This is almost 100% of the guys that are finished now, in January. So if in January, there were employers which had 105 trainees finishing at the end of December, out of the 105, they retained 101 and they did not retain four.

1545 The experience that we have had has been where we have actually been placing people by moving them from one place to the other, which was what we had to do with the first group of people and of those, we still have 83. Some of the people that we have in the Government are precisely people that we have kept in the Government at one stage, during 2012, because when it looked...

1550 Obviously one of the things that we did initially after February was to try to persuade the employers that had them under the VTS to employ them, even though there was no commitment. We succeeded with some and we failed with others. Eventually, when it looked as if we were not going to have any success with somebody, the decision was taken, well look, if we are paying somebody £1,000 a month in order to be in somebody's business, where the businessman is saying, 'I do not need this person and I have no intention of keeping him', we might as well have him doing something useful for the public sector.

1555 Then a lot of those people were shifted into the public sector simply because we were paying their wages, we committed ourselves initially in February not to terminating their employment, at the end of the VTS, but to retain them and therefore that number is now down to about 83, and declining every month.

1560 So that is the scenario. It may not be their perception, but it is the reality because I am not talking about perception; I am talking about numbers, names and addresses.

**Hon. D J Bossino:** Yes, Mr Speaker, let me just try and get this. It is the 83 who were in the old VTS scheme who were not accepted by their employers at the time, for the reasons he has just explained. Those are the ones who are in the public sector, right, waiting – he has stated in this House and in the past  
1565 that the ideal scenario is to find them a job in the private sector, although they can of course compete for jobs in the public sector as well, but I think, judging by his answers, he is more interested in having them in the private sector as opposed to the public sector.

But just to follow on from my previous supplementary, these are the 80-odd whom he has been unable to find permanent employment from the February 2012 contingent. Is that the correct analysis?

1570 **Hon. J J Bossano:** Yes that is the position and of course it is 83 as we speak today. It is declining but it is not declining at the same rate as the people that we have got in training, which have been selected by the employers where there is a commitment and were if they do not employ them, they get a bill, obviously.

1575 In these cases, if I place them with somebody tomorrow, or if I had left them where they were, we had no recourse because there was no obligation on the part of the employer, which was a signed agreement saying, 'I accept that at the end of the training...' – unless there have been some cases of misconduct leading to termination. I have given those figures before. The figures have not increased, it is a very, very small percentage. Well, four at one stage. I think the total for the whole of the year was something like  
1580 20.

**Hon. D J Bossino:** Mr Speaker, I move on to the next question which he answered in the bunched-up answers he has given and that relates to Question No. 478.

1585 Does the Hon. Minister appreciate what I am trying to do in Question No. 478. I know it is a very lengthy question, but really the aim is simply to have, after having studied the matter in quite a lot of detail, I think what this question aims to do, perhaps unsuccessfully, but really what it aims to do is to have a snapshot of where things are at the moment. How many trainees are there, where they are, ideally – I know he has stated in the past that he refuses, unless he has got the consent of the private employer, to provide that information. We have a different view: I think that information ought to be provided and would make our life a lot easier to have that particular transparency from the Government, in relation to that point. But I put that point in the question.

1590 But does he appreciate what I am trying to do here? In that context, does he not agree with me that on both occasions when I have asked him the question in exactly the same terms, he has really failed, with all due respect, to provide me with a full answer?

1595 I can take him, if he wishes me to, to the answer that he gave me – I *think* it was in relation... because what he does not do, Mr Speaker, is split his answers so I can identify which particular question he is answering, so I can only assume that I am interpreting the answer correctly in that regard. But I think in relation to the same question which I put, all that the Hon. the Minister answered was that the overall number of trainees at the end of March 2013 was, and then he gave lists of private sector and public sector. I have not been to take full notes, but I think his answer in relation to the question as posed today is slightly different. But on both occasions, I think they are both justifiably subject to the criticism that they do not provide full answers to the question.

1600  
1605 **Hon. J J Bossano:** Well, Mr Speaker, I am sure you will agree with me that there is a long history in this Parliament and in the previous House of Assembly and in the Legislative Council of Oppositions always thinking that the answer they get is not the answer they would like to get. I think that will continue into eternity.

1610 Be that as it may, he has put the same question and I am giving him the same answer. He did not like the answer the last time and he does not like the answer this time. I am not surprised he does not like it, but it is the answer he is going to get.

1615 **Hon. D A Feetham:** Mr Speaker, without the information of course we then, perhaps... the Hon. the Minister will say that we jump to conclusions. But the problem that we have, for example – let me just give you an example of the problem that we face with the lack of information that he is providing – in the construction sector, for example, there has been a decrease in employment in the construction sector by 1,400-odd people. So employment has gone down, but the number of companies incorporated in the construction sector in that same period has increased by over 100. So there are over 100 construction companies now, new companies, but the number of jobs in the construction sector has actually decreased by 1,400.

1620 So one of the things that we would obviously like to know is whether these construction companies that have been incorporated are companies that are being fed, if I can put it that way, with Future Job Strategy trainees. Without providing us with the detailed information, we cannot obviously make that assessment and make that analysis.

1625 **Hon. J J Bossano:** Well, Mr Speaker, it is true that the employment survey shows that the number of construction workers has gone down to the more realistic 2,000, which is the normal level of construction workers in Gibraltar, from the 3,400 that there were in 2011, when there was the election construction boom, as is pointed out in the analysis made by the statistician.

1630 But of course, although the total number is down, the number of Gibraltarians in the industry is up, and some of the people in that industry that have been in that industry for a very long time have now formed companies, and therefore those people are now employing trainees and retaining them – *training them and retaining them* and employing them permanently. That is clearly what we want to do: we want to give people who have been in the industry the opportunity of having a small business of their own and they employ local people and they train them.

1635 So the purpose of the exercise is indeed to give an opportunity for our people to acquire skills so that we are less reliant on having to import labour from outside. I would have thought that was something that they would want to see happening.

1640 **Hon. D A Feetham:** Mr Speaker, that is a helpful answer. I am very grateful to the Hon. the Minister for Employment. Effectively, what he is really saying is he is confirming that, although there is a decrease in the number of construction employees, what he is saying is, but at the same time, yes there is this increase in the number of companies in the construction sector which are start-up companies, and those start-up companies are being assisted with, effectively, subsidised labour through the Job Strategy, but it is a two-way assistance.

1645 In other words, you are subsidising their labour for a period of time but at the same time the Government is getting the training for these individuals. That is the correct analysis, is it not?

1650 **Hon. J J Bossano:** As the hon. Member knows, the training on the job is not the ending of the story; it is at the beginning of the story. The whole idea is first of all we have got people in the industry. For example, I think we have about 10 recently that we were able to get qualified at NVQ level, because in fact there are people who had never gone through any formal system, but there is in the United Kingdom a provision in the system of NVQ that you can give people a fast track, using the experience that they have got in the industry where they can produce work which can then be independently assessed, and it enables them to obtain... So we have got people, for example, who might have been working as skilled labourers and are now working as craftsmen and, effectively, because they did not have any papers to prove their knowledge, they were being underpaid, really. There are more people in that category that we hope to be able to assist, so that we produce the craftsmen in a shorter timescale.

1660 In addition to that, we have got, as I have said, the target date of September, to start putting people who then will be released from their workplaces in order to be able to attend the training for City and Guilds NVQ Level 1, and therefore, the opportunity that we have got at the moment with Gibraltar small employers is something that, frankly, we did not have before. In some of these cases, what we have found was that the Gibraltarian... It is something I used to say from the Opposition, frankly, which Members then on this side did not want to accept, and that there were people on building sites that, when they were sent by the ETB to work in some of these places, they felt that they were the outside workers, because there was one Gibraltarian and almost the United Nations in the rest of the workforce.

1665 In most of the start-up companies, it is almost 100% Gibraltarian and we have got Gibraltarian craftsmen who are helping young people and a transfer of skills from one generation to the other, which is something that I believe very strongly should have been happening all along.

1670 **Hon. D J Bossino:** Mr Speaker, is the Hon. the Minister saying that the increase in construction companies – and the statistics are there on the Government website – they are all accounted for by start-up companies? Is that what he is saying?

I saw him nodding but he did not formally reply to my hon. Friend, in relation to the point that he made.

1675 **Hon. D A Feetham:** And Mr Speaker...

**Hon. J J Bossano:** No. I am not saying that, no. The start-up companies are no more than a dozen.

1680 **Hon. D J Bossino:** That is right.

**Hon. J J Bossano:** That is all there is.

**A Member:** No more than a dozen.

1685 **Hon. D J Bossino:** Exactly. Just so we understand the figures, the increase in the number of construction companies set-ups, as at 10th January 2013 information, which is available online, I think it is the increase from... I cannot remember, I think it is March or May 2011 to December 2012 is in excess of 100 new companies, construction companies having set up. Therefore this is why I asked the question: is he saying that there are in excess of 100 companies participating in the nurture schemes? The Hon. Minister has confirmed that that is not the case.

1690 But does he have any comment to make in relation to the figure that I have just given him, which I am sure he is aware of, which is the in excess of 100 construction companies having been registered since March 2011 with, I think, the greatest increase having occurred during the hon. Member's most recent term in office?

1695 **Hon. J J Bossano:** Well, I can tell the hon. Member, there has not been an increase of 100 in the list of approved Government contractors. That I can tell him for certain. Unless they are included in that list, the training programmes are predominantly with people who are on the approved Government list.

1700 There may be many other companies setting up where their only involvement is that they register with the Employment as an employer and they get a trade licence, but the registration would not be reflected here in the employment survey, unless they had taken on labour, and all I can tell him is that the information that I have in the Department, apart from the survey results, is that the number of construction companies in terms of registration with us has not increased to anything like that degree.

1705 But this is the response. The survey response is not the fact that there are more or less people in existence; what it reflects is the number of people that have answered the survey results.

**Hon. D J Bossino:** Mr Speaker, just going back to, I think one of his initial replies to the supplementary that I put in relation to the failure, in my view, to provide a full answer to the question. If I can just home in on some of the particulars of the question that I asked.

1710 For example, I am not sure whether he has answered this question which is, which FJS company the trainees are employed by? In other words, what I am interested in is the trainees are employed by one of the companies that the hon. Member has set up. The first one was ETCL and then there was the sheltered training and then there was the graduate company and I think there is another one, which he confirmed on the last occasion. For example, that is information, just so that I can slot numbers in, that I would want to have, and I am surprised that the hon. Member is quite blatantly saying no, I will refuse to answer that question. I simply do not understand why.

1715 Then the final particular is what the duration of their contracts are, and how many of these trainees have guaranteed jobs. That was again information that one ought to be entitled to and I simply do not understand why it is that the Hon. Minister chooses to answer some bits of the question, but refuses to answer other bits of the question.

1720 **Hon. J J Bossano:** Well, Mr Speaker, unless the hon. Member is not familiar with the system that operates here and in other parliaments, saying no to something is answering it, even though it may not be the answer the hon. Member wants.

1725 The fact is that I have answered the question, like I have answered it on every previous occasion, and it is the way I intend to answer it on every future occasion. The fact that he does not like the way I answer it, does not mean that I am going to change the way I answer it.

1730 The reality of it is if I tell him every single... I have told him today, that a trainee is sent to a training placement on the basis that the training provider guarantees a job. Then he says to me 'how many?' Well look, all of them, because if there is no guarantee at the beginning, we do not send the guy. It is as simple as that!

We send people because there are jobs advertised in the Employment Service, the jobs exist. We send people to be trained to fill real jobs. That is why this is succeeding and the previous system failed. Because the previous system was on the premise that giving people training gave them a better opportunity to get employment, and that is how it was explained to me when I was on that side.

1735 Mr Montiel used to say, 'Well, it does not matter if they finish one course and they do another. If they do 20 courses, they have got a better chance of getting a job than if they do not do any.' Well, that is assuming that the employers in the private sector are willing to take on Gibraltarians, which they seem to have been very reluctant to take on, because they keep on taking on outsiders.

1740 The position now is that the employers that are co-operating with the Employment Service are employers that are committed to retain the trainee and if the commitment does not exist, the trainee is not recruited.

So the system starts not from the premise that I am training somebody in the hope that somebody will employ that person, but that I am training somebody to fill a job which somebody requires filled.

1745 Therefore, that is how the system works and that is how it has been working increasingly better throughout the period that it has been in existence. As I have told the hon. Member, there were 101 up to January 2013 and there has been an increase in people employed every month as they have terminated their training.

1750 The information that I have given in answer to previous questions shows this progression. All he needs to do is to go back and look at the figures.

**Hon. D J Bossino:** But yet Mr Speaker, he refuses to... For example, he has homed in on one of the particulars that I have highlighted, but he has not dealt with the other one, which is which Future Job Strategy company these trainees are employed by.

1755 But just to tax him further on the answer he has just given me: is it absolutely correct, and maybe I have misunderstood the way the system works, because he has already, in fact this same afternoon, informed the House— I think I quote him correctly – that potential employers of a placed trainee have a period of about one month to decide whether to take them on or not. Now, from day one of that month, can the Hon. Minister advise whether that trainee is employed and goes into the system as an FJS trainee? Because if that is the case, then he will not have guaranteed employment by the private employer, because he has got a month in which to decide whether to give him the employment or not.

1760 Just so I understand the position.

1765 **Hon. J J Bossano:** Well, Mr Speaker, if he looks at the answers that I have been giving in the past, he will see that I have identified the numbers who fail to meet the requirement of the probation period of the first month. Those people, if they fail the requirement, I think from memory, there is no more than half a dozen of them, in that category, then of course they become unemployed at the end of the first month, like they would in any other normal job.

1770 So the guarantee kicks in at the end of the first month, not on the first day or the first hour. There are people who do not last the first 24 hours.

**Hon. D J Bossino:** And presumably these individuals do not form part of the system, they are not employed by one of the FJS companies.

1775 **Hon. J J Bossano:** When the trainee is taken on in the first month, of course, he is told that he is being taken on on probation for one month. If there are in some cases individuals who then come back and say, 'This is not for me', and they go back on the unemployment list, and there are individuals who think it is for them but the employer says, 'Look, you are not really what I am looking for', and therefore, they have gone back... there are very, very few, and I have given those numbers before when I have been asked about it.

1780 But those few then go back to the unemployment list, but of course, they get the same opportunity to go into the system as everybody else on the unemployment list in respect of other jobs. Clearly, we then, with those individuals, we try and see if there is another area of employment that they may be better equipped for, or more likely to be successful in.

1785 For example, if somebody is sent to a construction company and says, 'I do not want to work in construction', we do not keep on sending him to more construction companies, logically. So the answer is, it is after their first month, and when there is confirmation by the employer that the person is satisfactory, that the agreement between the business partnership agreement then goes live. If at the end of the three-month training period or the six-month training period or whatever it may be, the bulk of them being three months, the employer then comes back and says, 'He is now not suitable', even though he said he was suitable in the first month, then he gives us back the money for the three months.

1790 **Hon. D J Bossino:** Mr Speaker, in relation to Question 480, I have asked the hon. Member to advise who the managers in fact are. Is he in a position to give me names?

1795 I will explain why I am asking the question. He has explained, when the question was put to the Hon. Minister in relation to Joanna Hernandez whether she was employed in his Department, I think the answer was yes, and the explanation that he gave is that he was duty bound to do so, pursuant to an order of the Industrial Tribunal – yes, an order of the Chairman of the Industrial Tribunal, which ordered that there should be re-engagement by, in this case, an associated employer, because she clearly did not go to her previous employer.

1800 Now, the news that I am getting, Mr Speaker, is that this lady in fact is the one that has probably most of the managerial duties in relation to at least one, if not all of the FJS companies, and is the one who is calling the shots. What I wanted to understand is whether she has been given like for like, in terms of the employment which she enjoyed at the Dr Giraldi Home and the employment which she now seems to be enjoying at the ETB.

1805 **Hon. J J Bossano:** Well, first, in case the hon. Member is labouring under some misapprehension, it is not that the Government has offered her employment with any reluctance and forced by the Tribunal. It is that the Tribunal made a recommendation, which the previous Government rejected, and which we criticised the previous Government for rejecting, and the recommendation of the Tribunal, given that the Government of Gibraltar at the time allegedly terminated her employment for not having the capability of being a manager and then failed to produce any evidence to support that contention, therefore it follows that if she was a manager in the Social Services and the Tribunal said that clearly there had been no evidence produced to demonstrate that she was incapable of doing the job of a manager and that was the reason for her termination that was given, that she should be re-employed as a manager. She has been re-employed as a manager in the Employment Service, she manages the group of companies. But I do not think the hon. Member is entitled to be told the names of civil servants who are doing different jobs in the service.

1820 The fact that the GSD seems to have a particular fixation with one particular civil servant does not mean that they are entitled to come here and ask me to produce the names of the managers of the companies, and I am not going to give it to them.

1825 **Hon. D J Bossino:** I explained to him what the main purpose of my question was, and he has confirmed that Miss Joanna Hernandez is in fact the manager of the group of companies is his answer, so that is fine.

In relation to the managers themselves, whoever they may be, can he give me a precise... the role which these individuals play in relation to each of these companies. What is it that they do?

**Hon. J J Bossano:** Well, what they do is they sign the contracts of employment when the trainees are taken on; they sign the terminations of employment when they complete their training; they are involved

1830 in managing the responsibilities that the companies have as employers during the training period in terms of sick leave, annual leave or anything else or any problems that an individual may have.

1835 If one of those trainees has a problem somewhere and they need help or advice, they come, because you see during the training period their placement provider is not the employer, so the training company still has a responsibility for the welfare of the trainee, and therefore if a trainee has any kind of problem, they come back to the manager, and ask to see the manager, and explain to the manager. We have got different people in the different companies doing the job, assisted by the group of graduates that are in the system in the graduate company.

1840 So the graduate company, apart from those that are doing work in other Departments connected with the work in those Departments, are engaged in the research of the labour market analysis and the skills analysis that we are doing, and in the provision of jobs for people by getting involved in interviewing people, in making an assessment of how they can be fitted into the jobs that come up, and there is a team of graduates that are doing this from the graduate company, and one of them as a manager managing the rest, but they are really all getting the same pay. The managers are either civil service or GTC, and they all work as a team.

1845 **Hon. D J Bossino:** Mr Speaker, so is the Minister saying that the match between skills required and demanded and skills provided is done exclusively by the graduate employment company and the managers employed therein? Is that what the Minister is saying?

1850 **Hon. J J Bossano:** What I am saying is that there is a team of six graduates that provide advice and help to the people that are being sent to the employers. We have got a team that contacts the employers about the vacancies, calls the unemployed person in and monitors the process. Therefore we have got a system of monitoring the movement of people from unemployment into training, and from employment into permanent jobs, at the end of process.

1855 This is a constant process and therefore within what we are doing we keep on introducing changes to make the system more effective in the light of experience, so the system is improving as we go along. Because we started from scratch with no preconceived idea of how it would work and we have been adapting as we go along, so we have now effectively got different people specialising in different areas, so somebody will deal with administrative vacancies and people that want to be trained in administration, somebody with a background from the training centre is involved in assessing the people that want to work in the construction industry and therefore the different individuals make use of their own background and experience in providing the help to the unemployed, which is what is producing the success rate that we are having in increasing the number of people in jobs.

1865 **Hon. D J Bossino:** Mr Speaker, in relation to I think it is Question 481, which dealt with trainee carers. I asked whether they obtained any qualification and we had the reply from the Minister, I recall an exchange which the Hon. Minister had with the Leader of the Opposition, at the time Member responsible for employment, where he said that he was, in effect, going to replace the Spanish employees as carers, on the basis that – I think he has also repeated the point in the House this afternoon – that the Gibraltar resident applicants were at a disadvantage, because they did not have either the required, I think it was two GCSEs or the experience because they could not get the experience in Gibraltar and the Spanish ladies could in La Línea or beyond. He was very confident, as he normally is with his statements, that he would start replacing the Spanish contingent with the Gibraltar contingent.

1870 The point I make is, Mr Speaker, is there, at any point in time, a possibility that a Gibraltar applicant or a Gibraltar trainee fails, for whatever reason, his or her training? He was very confident that if you start and you finish, that will be it, you will get the job, and then statistically he will be able to show that there are more Gibraltarians than there are Spaniards, and more jobs, as he would put it, for our people.

1875 Is it not within the realms of possibility and therefore, in that context, what vetting procedure is there? Which body is assessing whether an individual is sufficiently qualified, and I use the term loosely, having completed the training period, to be taking care of our, in this case, elderly citizens? That is a question which I had in my mind, I remember at the time of the exchange, and now I have the opportunity of asking the hon. Member.

1880 **Hon. J J Bossano:** Well, he did not have to wait until now to ask me; he had the opportunity before. Unless they veto who can ask questions on that side of the House!

1885 I have to tell him, Mr Speaker, that in written answer to Question W42/2012 details were provided to Members opposite of the nature of the training that was being provided. The training is being provided by the people in the system who are themselves people with a lot of experience previously. But, of course, anybody that is sent to the Care Agency as a trainee is subject to the same first month probation as the people who are sent to the private sector, and the assessment is made.

1890

1895 As regards the vetting, the people in Gibraltar all get vetted; the people from outside do not all get vetted. The people from the outside can be serial killers somewhere else and we do not find out about it until after we find out that they were working in a place in Gibraltar, going into everybody's home, and it turns out that they have Al-Qaeda links, as we saw recently. So he should not be too concerned about the adequacy of the vetting because the vetting here is one that works against the Gibraltarian, as happens in other cases.

1900 And of course, as the hon. Member has said, it means more jobs for our people, which is my phrase, and I hope that does not mean that he does not think they are his people as well, because they are as much his as they are mine! (**Hon. D J Bossino:** Of course.)

1905 In answer to Question W185, there was a very detailed list of the in-house training provided to the Opposition. I am not sure there is a need for me to repeat it, but there were two pages of what was being provided in terms of training. As was stated by the Minister for the Care Agency at the time, she said they learn skills by shadowing more experienced care workers, union managers, social workers, psychologists, qualified nurses, activity co-ordinators, teachers and physiotherapists, which it is sure is more than was being provided by our neighbour to the ones that were recruited before, with the simple letter saying they had been previously engaged in an elderly person's home.

1910 So certainly the feedback that I have had from the people that have been taken on already, I think we have had about something of the order of 33 care workers, now in permanent employment in the home, where before it used to be the case that the Gibraltarians did not want to work there – that was the excuse before. Now we have discovered that they do want to work and already 33 of them have completed six months of training and have been taken on and are working permanently, and the management is very happy with their performance.

1915 At the end of the day, I am only the supplier of the labour. I have had no complaints from my customers, the employers, either in the Care Agency or anywhere else, but there is still a one-month probation. That is standard everywhere.

1920 **Hon. D J Bossino:** Mr Speaker, this is a point that I really do need to raise. He says that, and he has mentioned it twice, that there is a one month probation, but of course it could possibly be, and this again is within the realms of possibility, that within the duration of the training period and I do not exactly recall now how long it is. I think it is (**A Member:** Six months.) about six months. It is possible in the second, third, fourth, fifth month the person, for whatever reason – something that the training provider witnesses – is not suitable. Now, in those circumstances, would it not be wholly wrong, and in my view inconceivable, that a trainee in those circumstances should be guaranteed an employment? That is what the hon. Member has said, as recently as last month, which is that the trainee carers after the completion of their training period are guaranteed employment.

1925 What I am saying is that in the third or fourth month, it may be found that that particular individual, even though he or she is Gibraltarian – that is not sufficient qualification – may just not be qualified to take on that role. I think it is a potentially very dangerous situation to allow our vulnerable adults in a situation where they should not be in in the first place.

1930 **A Member:** [*Inaudible*].

1935 **Hon. J J Bossano:** Well, given the fact that until now the people who were coming in only came in with a letter saying they had previously worked in a home, were not given any training, and nothing was expected of them more than that, I do not see how the hon. Member is now so concerned compared to what was there before.

1940 The reality of it is that it is a big advantage to be in a small place like Gibraltar where you know everybody, and not have to deal with people that you have never met before in your life and you know nothing about them.

1945 If the people in the management of the homes tell me that they are very happy with the quality of the people that they are getting and with their performance, then I do not see why he should be having sleepless nights over it, but certainly I am satisfied that the professionals that are telling me they are happy with the quality of the people that they are getting – which they select... This is not the VTS where people were sent to the home, because they were told to go there.

1950 The hon. Member seems to forget that in the old VTS, we had people in the Care Agency, we had people in Government Departments, we had people who were school secretaries, and they were people that were there because they were sent there; they were not just sent to the private sector. There was no selection from the recipient. It was the Employment Service that sent people.

The position now is that when the Care Agency says, 'We need more people' – because there is a movement of people, people leave the service, people retire – when they need more people, they are planning for the retirements that take place in six months or a year's time, and what do they do? They say 'Can we have some of the people who are unemployed?'

1955 We then say to people on the unemployment list, the employment officers and the people in the companies that interview these people saying to them, ‘Well look, there is this opportunity; this is what the job consists of. Do you think that that is the kind of work that you are interested in doing?’

1960 Of the people that we select, some of whom may have GCSEs and some may not, they get sent and they are interviewed by the Care Agency, who then decide who they want out of the ones that we have sent. We may send 20 and they may pick six. Of the six that they pick, they then have a month to try them out and then, after all that, which is infinitely more selectivity than there was before when people just came in, they were glad, because it was a single route. There were no Gibraltarians being taken on, because most of the people with two GCEs, given the choice of working as a carer or working as a clerk, would choose to be a clerk, because of the huge difference in pay.

1965 So what happens? We have a situation where we finish up with practically all the care workers in the last 15 years being non-resident, coming in from outside. And the hon. Member now is worried about the quality of the Gibraltarians! Well, I can tell him that we have got no worries about the Gibraltarian quality in the people that have been recruited, and we have no concerns about the care and the love and affection that they show for the people that are in care. Every report that we are getting is that they are doing a fantastic job.

1970 **Hon. D A Feetham:** Mr Speaker.

**Mr Speaker:** I am going to allow the Hon. the Leader of the Opposition, but there is something I want to make clear.

1975 With respect to training carers, I have no doubt – because this is a matter that I am able to follow much more closely than other matters which have been the subject of questions – we are beginning now to cover ground that has been covered in recent months. We are now, hon. Members – I realise the Hon. the Minister gives a lot of details, he gives a lot of information and this obviously makes it much easier for the Opposition to ask supplementaries, and I am quite happy to allow that. But we are really covering the same ground, because the same questions practically are being asked, that we are asked by the Hon. the Leader of the Opposition and the Hon. Minister is giving practically the same answer with respect to the ones that have come from across the border as compared to Gibraltarians.

1980 So I am going to allow the Leader of the Opposition, but I think we have to bring this particular issue to a close, because it is not allowed under Standing Orders to cover the same ground that has been recently the subject of exchanges.

1985 **Hon. D A Feetham:** Of course, Mr Speaker, but can I ask the Hon. the Minister for Employment: on our side, of course we want more Gibraltarians working not only in the Care Agency, but everywhere else in Gibraltar. That is not the point that the hon. my colleague was making, nor was it the question that he was asking.

1990 What he was asking was, well surely, you cannot possibly say that you are guaranteeing even Gibraltarians a job after that one-month period, when that individual may, for whatever reason, not be suitable for the job. Of course, you have not got a situation up to now, but you may get a situation in the future, where management turns round to you and says, ‘This particular individual after four months, we do not think that he is particularly suitable.’ That is the point that he is making: how can you guarantee a job in that kind of situation?

1995 Now presumably, I think that the answer is, ‘No, actually you misinterpreted, you cannot guarantee a job in that kind of situation’, and presumably what would happen is that that person would be sent back to the unemployment list, if that is where they have come from, or if they have come from another part of the public service, because they are VTS originated from December 2011, they would be placed in another Government Department because the commitment of the Government is not to effectively ‘sack’ that individual.

2000 **Hon. J J Bossano:** Well, Mr Speaker, I do not think that was the nature of the way the question was put, because if the hon. Member is saying that they are very glad that this is happening and they are very glad there are so many Gibraltarians now working in the system, and they are very glad that I am able to report that the managers are delighted, then how can he be worried about the care of the people?

2005 He needs to be worried, if I tell him we have now reached a situation where the managers do not want to keep them, but I am forcing them to stay there because of the guarantee. I am saying the people with the experience in the system, when they select the people that they have selected...

2010 We have no record of any of the people that came across the border in the last 15 years ever not having been found suitable, so what is genetically wrong with our people that there is a higher risk of failure?

2015 **Hon. D J Bossino:** No supplementaries, Mr Speaker.



**Mr Speaker:** No further? (*Interjections*) No, no, on the question of carers? Okay, the hon. Member has another Question 482, and I think he has not asked any supplementaries – (**A Member:** Mr Speaker.) Sorry.

2020 He has not asked any supplementaries arising from Question 482, I am quite happy to allow him even if we have to be another hour, provided they are pertinent.

**Hon. D J Bossino:** Mr Speaker, that is what I meant by ‘no supplementaries’ – no supplementaries to Question 481/2013. (**A Member:** Ah!) Ah!

2025 Mr Speaker, moving on, Question 482: this related to the new apprenticeship schemes, in order to assist the Hon. the Minister. I know that he is not committed to provide an answer in relation to this on what the new scheme is until – and I quote him, in *Hansard* he says ‘at least September’. (**Hon. J J Bossano:** Not later.) Well, I think he said ‘at least’ – that is the note I have taken.

2030 But can he at least give me an idea of... In fact yes, Mr Speaker, I am quoting from *Hansard*: he had said ‘at least in September’. I like to do my research thoroughly.

Mr Speaker, can he at least give us an idea where matters lie and can he give us an indication as to what the nature of the change in thinking is, so he can give us some pointers, other than what he has already given to this House, but something a bit more specific? Is he able to do so now, given that we have moved on since I last asked the question?

2035 **Hon. J J Bossano:** Well, Mr Speaker, no. The position is, as I have said before, that September is the target date. I have already explained that the initial group that we want to assist other people that can use acquired experience and have therefore got skills and are in the industry, and the people that are coming new into the industry, what we are using is the methodology that enables, in particular, the group that we are devoting most attention to, the area where, under the existing system, we were producing one year – taking up one year of the Training Centre to produce level 1 in tiling, one year to produce level 1 in masonry and one year to produce level 1 in plastering. There are basic construction skills courses that produce a level 1 in all three, because what the industry says that they want is people who are all-rounders, and not people who say, ‘I am a tiler and I am only here to put tiles’. Therefore there has been a problem between the output of the tilers and the bricklayers because in fact much of the work that is the permanent work of the industry is maintenance; it is not new construction.

2040 New construction comes in bursts, maintenance is there all the year round, and when you are doing maintenance, if you have somebody that is exclusively trained in one segment of the work trades, then the local construction companies are not interested in that, so they employ people who come in and say, ‘I am a mason and I can do all three things.’

2045 We are looking to produce level 1 multi-skills that will produce somebody that has got the skills of a mason, which covers tiling, plastering and brickwork. That is the area that is being given priority at the moment, because it is the area where, from the skills analysis that we have done on the industry, we are least well represented by Gibraltar and other resident workers. Most of those that are skilled masons, that did the traditional apprenticeships, where somebody went with a mason and learnt side by side from an older and very skilled person, those people themselves now are in their 50s – and there are plenty of them around still left, fortunately, for us to be able to say, ‘We need to be using those skills, to have them transferred to new entrants into the industry and not get lost.’

2050 That is at the stage that we are. We are identifying the areas that are the priority and the areas that we are going to be focusing on in September.

2060 **Hon. D A Feetham:** Mr Speaker, how does he make the...? I quite understand that he may say we need more generalists in the system, and this is fine, and anything that improves the skill sets of people would find the support of certainly this side of the House.

2065 But of course, if you look at the people who were coming out of the Construction and Training Centre, not one of them went on to the unemployment list, because people were finding gainful employment after they came out with qualifications from the Construction and Training Centre, be it in masonry, or be it in carpentry, or be it in other skills, because they were employed by the construction industry, because the construction industry is always looking for people with skills. Now that is the way that...

2070 Look, I was Minister for Justice; I was not the Employment Minister, but for the last year, I did work closely with Mr Montiel and hence why I know that, for example, in relation to the VTS scheme, the success rate was about 25%, but in relation to the Construction and Training Centre, my understanding was that the success rate was very high – almost 100% in relation to employment.

2075 Now, if that is the case how does the Government just simply justify moving from that to generalist? I can understand that the Government may want to augment that with generalist, but not just simply replace it, because, quite frankly, from the answers that the hon. Gentleman has provided me in the past, in terms

of the surveys that he has conducted, I do not think that the evidence is there to suggest that really you should be replacing one with the other, rather than perhaps augmenting one with the other.

2080 **Hon. J J Bossano:** Well, Mr Speaker, the position is not as the hon. Member describes. The position is that the drop-out rate was enormous, that in fact that in some years we have been producing two or three people –

2085 **Hon D A Feetham:** Drop-out rate; *success* rate?

**Hon. J J Bossano:** There are two things. First of all, it is not the intention to take in 44 people and finish up with four. That is not the intention. But I can give him statistics from the past where he will see that that was happening, and then the four, I can tell him, were not being employed in the industry other than in GJBS, and I can give him lists of names.

2090 So in fact the idea that the Training Centre was successful in meeting the requirements of the industry is not true and is proven by the fact that every employment survey, if he cares to look at it retrospectively, shows declining presence of Gibraltarians in the industry, and increasing need to import workers.

2095 The numbers of people... If we had been having a Construction Training Centre for 15 years, how can he explain that in the 15 years, the numbers of the people in the industry have not even been maintained? We have not even been producing enough people to replace those who were retiring. There has been a decline in the number of Gibraltarians in construction, consistently.

2100 When I used to ask from that side, I was not given the answer that he is saying now, that people found jobs. What I was told was, by Mr Montiel – and I can probably pick the month and the year when he said it – he said to me, ‘The Gibraltarians do not want to work in the private sector. You send one to me tomorrow and I will find him a job straight away.’

2105 Well, look, if they did not want to work in the private sector, then where were they going when they came out of the Construction Training Centre? They were not going into the Building and Works – so where were they going? The answer is that the Construction Training Centre produced 20 a year in the early periods in 1996, 1997 and 1998 and then after that there has been a decline in output. I had Dr Coram doing an analysis, finding where in the workforce people had finished up, and they were not in the construction industry.

2110 So the figures that we had brought us to the conclusion that we had to find a way of getting a better return for the money that is being invested in construction training – not to get rid of the construction training but to make it more valuable in terms of producing the skills the industry wants.

2115 If the industry says, ‘I am not interested in somebody who is just a tiler and has got NVQ 2 Tiling and I can only use him for tiling’, then we stop producing a tiler; we produce somebody that can do tiling, brickwork and who will get a craft pay and who will do all three. That is what the industry wants and therefore that is the qualification that we are providing: City and Guilds, NVQ Level 2 which will be multi-skill in the work trades, and that is what people in the construction industry, employers tell me they will employ if we produce.

2120 **Hon. D A Feetham:** Mr Speaker, *patently* he is not correct in his analysis, because what he has accepted in the answer that he has given me is that of the people that came out, those were employed, and he said, well they went into GJBS – four of them went into GJBS. When we were producing 20, those were also employed.

2125 The problem that he has identified is not in the uptake by employers of trainees coming out of the Construction and Training Centre; it is the drop-out rate. Now, the drop-out rate cannot be... you cannot guarantee a decrease in the drop-out rate, simply by changing from doing specialised skills to doing generalist skills. It does not necessarily follow.

2130 If the problem is the drop-out rates, we have got to analyse why there has been a drop-out rate. It does not appear to me obvious as to why just changing the nature of the qualification is going to improve the drop-out rate.

2130 That is something that I would like to ask the Hon. the Minister for Employment: How does he say that changing the nature of the qualification improves the drop-out rate, as opposed to employer uptake? Because from the answer that he has also given me, the uptake from employers, for everybody that completed their training, is nearly 100%.

2135 **Hon. J J Bossano:** Well, Mr Speaker, given that in the last couple of years, we were producing two a year, I suppose if two people get a job, that is 100% and if one gets a job that is 50%.

But I am telling him that the evidence available to me is that... In fact, the Training Centre themselves say that part of the problem they had with the training was the lack of co-operation from the private sector in the placements, while they were in training. At the end of the day, the only way that people coming out could get a job in the construction industry was because it was in a Government-owned company, where

2140 there was a decision that they should be employed and that is where they went. Outside that, there was very little take-up.

In any event, I can tell him that many of the people that came out with the NVQ Level 2 finished up doing something else, because they could not get a job in the industry! I have got the names and we have done the analysis. If the thing had been producing the craft and skills that the industry requires, in the numbers that the industry requires, why should we want to change anything?

2145 Why should we want to change something that is doing the job for which it was intended?

**Hon. D A Feetham:** It was done in the past.

2150 **Hon. J J Bossano:** Well, it was not doing it in the past – this is the whole point! Because if it had been doing it in the past, Mr Speaker, then there would not have been the decline that there has been in the number of people in the construction industry.

The Construction Training Centre was created in order to ensure that we could produce the workers that the industry required, in the numbers that the industry required. It has not done that, for two reasons: first, because it started off with a greater number of completions in relation to the entry than it has ultimately achieved, and there has been a decline over the period; and, secondly, because those who came out had great difficulty in finding jobs – *great* difficulty in finding jobs. Therefore they entered into another industry. Why should somebody spend time training for something, if he has got no certainty of getting a job in the thing for which he is being trained?

2160 The position that we will have is that people will be trained and we know that there will be jobs for them, at the end of it. (*Interjection*) Well, that is what I am predicting will happen and time will show whether my prediction is true or not, Mr Speaker.

**Hon. D A Feetham:** Mr Speaker, just one more supplementary, if I may.

2165 Mr Speaker, of course, the hon. Gentleman has to understand the scepticism from this side of the House, because in the past, when he was Chief Minister, he did close the Construction Training Centre that was then present here in Gibraltar. Therefore he has form about closing Construction and Training Centres.

2170 Mr Speaker, can he give a cast iron guarantee that that is not what is going to happen to the Construction and Training Centre here in Gibraltar, that we have in Gibraltar today?

**Hon. J J Bossano:** Well, Mr Speaker, first, of course, I have to correct what he has just said, as I have done on every previous occasion that he has said it. What was closed by the GSLP administration at the time, which he then supported –

2175 **Hon. D A Feetham:** I was in England.

**Hon. J J Bossano:** Ah, you were in England, I see! So what you told me that you had been supporting the Government, when you came back from England, that is not true? You were not supporting it when you were in England any more. Well, it is good to know that, Mr Speaker.

2180 But nevertheless, what was then happening was that we closed an outfit that existed in Landport Ditch, which we inherited, which produced training in basic labouring skills. They used to get £10 a week pocket money and they then were taken on as boy labourers. The apprenticeships in the Construction Training Centre were started by us in 1995 (*Interjections*) Whether he wants to believe it or not want to believe it... Well, he can say...

2185 **Mr Speaker:** If hon. Members want an accurate description of what actually happened of the facts, there is a former Minister for Labour who could also make a contribution. (*Laughter*)

2190 **Hon. J J Bossano:** Indeed, the Construction Training Centre was done with EU funding at the time before 1996, and the Construction Training Centre produced its best results immediately after 1996. According to some of the people there, it has been the lack of support that they had from the previous administration that accounts for the decline in the output of that Centre.

2195 But given that we are talking about the future and not the past, I am telling him that, in the future, what he will see will be an output in construction training and an increase in the employment in the construction industry of local people with local skills, meeting the requirements of our economy and our industry, and that is what will be produced.

**Mr Speaker:** Question 484, the Hon. Mr Netto.

2200 **A Member:** Mr Speaker, no, no...

**Hon. Chief Minister:** Ah, you are going to ask another supplementary? (*Laughter*)

I was going to move that the House recess for a few minutes, before we move on to the next group of questions.

2205 **Mr Speaker:** We will have a short recess.

*The House recessed at 6.15 p.m. and resumed its sitting at 6.37 p.m.*

2210

#### **Procedural**

2215 **Mr Speaker:** The Hon. Mr Reyes wishes to ask a supplementary arising from these previous questions and then I am going to invite the Hon. Mr Bossino. He has a supplementary arising from the last question of this batch, and then we go back to Question 479, which we had previously skipped.

2220

#### **Future Job Strategy trainees Further supplementary questions**

**Mr Speaker:** The Hon. Mr Reyes.

2225 **Hon. E J Reyes:** I am most grateful, Mr Speaker.

Yes, the Minister for Employment made a reference to what exists – that is, providing a fast-track route, whereby the labourer gets credited for acquired previous experience or acquired previous learning, whichever terminology one wants to use. The Minister for Employment said that he intended, or he was planning to offer that to an NVQ Level 1.

2230 Given that the full qualified craftsman status is Level 2, does it mean, Mr Speaker, that he intends to offer to Level 1 as a foundation, which in essence will lead to them being able to proceed to Level 2, so that the person actually ends up with a fully qualified craftsman status?

2235 **Hon. J J Bossano:** The reference to the Level 1 was in respect of Level 1 in a qualification which is City and Guilds, Level 1 NVQ Certificate in basic construction skills, which covers: tiling, brickwork and plastering. That is for the apprenticeships that will then go on to NVQ Level 2. The fast track will go straight to the Level 2.

2240 **Hon. E J Reyes:** Yes, thank you. I am glad to hear that, Mr Speaker, because it is necessary to attain a Level 2 to be able to be classified and therefore be paid as a qualified craftsman. Otherwise they become known by common nomenclature as ‘semi-skilled’, and we have all sorts of problems then in fitting them on to pay scales where they are neither fish nor fowl – that is neither labourers nor craftsmen.

So I wish the Minister for Employment all the best in pursuit of that route.

2245 **Hon. J J Bossano:** In fact, the potential candidates are the people who are already effectively being treated as semi-skilled labourers, as opposed to simple labourers.

**Hon. D J Bossino:** Mr Speaker, supplementary to Question 483, which is one of the bunched-up questions: is the Hon. Minister able to advise the House why the change of policy?

2250 As I understand it, when he started off on his explanations of how the strategy was going to work back in, I think it was, the first sitting of the House in January 2012, he said that we were going to have 11-month contracts, and I assumed that that was going to be continuing as the scheme went along.

Then there has been a reduction, a change of policy, at the end he said in his answer to the main question, at the end of 2012 and the question is why the change of policy?

2255 **Hon. J J Bossano:** For two reasons: as we expanded the scope, we were looking at jobs that did not really require a training period as long as 11 months. By having a period of three months, we are able to help more people with the same amount of money. Clearly, if we are spending £11,000 on one guy, then the amount we have got in the budget that the Parliament has approved will go so far. If we are able to have three or four months in different areas, then we can actually help more people go through the scheme and get a job, because we are able to spread the money across more people.

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So it is in our interest to be able to do it in the shortest period of time that we can get the employer to agree to. The employer makes a case for the period being as long as he can stretch it because he gets the trainee free.

2265 What we do now is that in fact there are a number of areas where we start always with the three months and we get a lot of employers that accept, for example... Remember that these are people who are not just school leavers; we have got people who are in their 40s and in their 50s and who are unemployed. They may have been people who have had a number of different jobs and they may, at some stage, have done the job that they are being sent to, but that has happened maybe ten years ago, or five years ago. So then, because we have got the employment history of the individual from the computer records, we can say to an employer, 'Well look, the guy was doing this kind of work five years ago, so he does not need to be spending six months learning it; he can pick up where he left off and we think, in three months, you will find that he is okay.'

2270  
2275 So essentially, in moving to the three months from January, what we have done is that we have had many more people that we have been able to take on, without having to increase the amount of money that we have got approved in the estimates by the Parliament. It also means, of course, that they leave the scheme earlier, go into full-time employment and then we are able to have the opportunity of taking more people on.

2280 Those are the two reasons. One is that the experience of the first year showed that not every job required 11 months, and that therefore essentially, the person was sufficiently trained in two or three months to be able to do the job that they were being sent to do. If you have got, for example, somebody that is being sent for a vacancy of shop assistant, that has been laid off from being a shop assistant the week before, they do not need 11 months to learn to be a shop assistant, which they were doing a week ago.

2285 If you find that you are sending somebody who has never been a shop assistant, you may find that they need... In many cases, the retraining effectively requires the financial support that we give, because the level of efficiency and productivity of the individual is not the same if there is somebody who can do the job blindfold to somebody who has to be taught how to do it, which may involve inclusion in some cases, the employer arguing that, 'Look some of my existing employees have to take time off doing other work in order to teach the newcomer how to do it.'

2290 So that means, effectively, that during the three-month period – or the four-month period – we accept that having a trainee, even if they are not paying for the training, can actually mean that the employer is diverting some of his other workers to helping the trainee to learn the ropes; but until now we have had quite a lot of acceptance from many areas of employment for the three-month period and therefore the benefit of that is that we are able to stretch the amount we have got in the budget, to provide support to more people.

2300 **Hon. D J Bossino:** Mr Speaker, as I understand it, three months seems to be, in practical terms on the ground, the period of time that the Hon. Minister has identified as being the most – (*Interjection by Hon. J J Bossano*) Well, that is what I was going to ask. The three-month period then is therefore a minimum period and then there are variables beyond that. I think he just mentioned, at the tail end of that answer, that there were certain individuals who could be on four months. He gave as an example, and I would ask him to confirm that that understanding is correct. The *maximum* period of time, if I recall, his commitment to the manifesto would be three years, if I am not mistaken.

2305 So can he confirm that the period of time we are talking about is a minimum of three months to a maximum of three years, albeit with variables within that, so that I can understand the position?

Then secondly, what determines the duration of the placement? In fact, I think to be fair to the Hon. Minister, he may have answered that point in the past, and I think it is basically determined by the placement provider's needs, which are presumably discussed with the Employment Training Board.

2310 **Hon. J J Bossano:** It is not a question of a maximum of three years. If we said a maximum of three years, everybody would want three years.

2315 The minimum of three months is what we think is realistic. That is to say, if somebody says... I mean there are people who say after a month, 'Look, I will take him,' and we do not say to him, 'No, you have to have him for three months paid by us.' But there are people who after the first month are so happy with the guy that they say, 'Look, I do not really need to have him as a trainee for another two more months. His first month of probation has turned out to be so good that I want to take him on.'

2320 When we started, we made it 'up to 11 months'. Now, I would say that the bulk of the people that we are taking in are in the three-month area. Most of the people that we have got in the Care Agency are around six months. Where we go beyond that depends on the nature of the complexity of the skill that is required to be attained and the skill that the person starts with.

Clearly if you get a 15-year-old that has left school and is in his first job, there may be a requirement for a longer period than if you get a 50-year-old guy that has been working since the age of 20 and has got

2325 a lot of experience of work and has done a lot of jobs and therefore he may be able already to take on the job that he is being sent to and pick up the skills in a relatively short... So it is each individual job placement and each individual candidate is assessed by that combination, by what is required by the job, and what he already has in his CV and in his background before he takes on the training.

2330 **Inward investment into Gibraltar  
Details since the Government was elected**

**Clerk:** Question 479, the Hon. D J Bossino.

2335 **Hon. D J Bossino:** Further to the answer given to Question 360/2013, can the Minister with responsibility for inward investment provide details of the nature and amount of the inward investment which has come to Gibraltar since the Government was elected into office?

2340 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Department does not keep records of how much a private investor is investing at any one time, whether the new business is local or from outside, unless there has been a request from the investor for EU funding.

2345 The areas of investments since 2011 have been in telecoms, gaming, construction, manufacturing and catering.

**Hon. D J Bossino:** I have heard the Hon. Minister in his reply: he says that no record is kept of that, and I will bear that in mind for the future.

2350 The reason why I have asked this question... well, not the reason, but one of the investments which the Hon. the Chief Minister in fact was very proud to announce, I think in relation to questions we asked in connection with the Sunborn Hotel, where he said that that represented an investment into Gibraltar – I have my own views about that – of something to the tune of £120 million, because he said that was value of the purchase value of the vessel. I have my own views in relation to that, and I am sure the Hon. Minister for Employment has his own views in relation to that.

2355 So, I am just surprised that there is not any more information which the Hon. Minister can provide and is forthcoming.

2360 If I can go back to the answer he gave at the last sitting of the House, in relation to a similar question, where his answer was that he said some 10% of these new employers involved participants from outside Gibraltar, which in some cases amounts to 100% ownership. Now, what is the position in relation to the 90%? What does that element of the contingent, in terms of inward investment, represent?

2365 **Hon. J J Bossano:** The information that I gave the hon. Member was in relation to the number of new employers that have registered in 2012 with the Employment Service. There were 200 new entities, new start-ups in 2012 – sorry, 400 – and 40 of them were people that, from the evidence available to me...

2370 It is only when they approach the Government in terms of either somebody local bringing a partner or somebody from outside coming through a legal representative or people from accountancy firms who have meetings with me and say, 'We are interested in investing in Gibraltar, this is the area that we want to invest in and we are going to create so many jobs', in a number of those cases, as I have mentioned in my original answer today... For example, in one particular case that I can think of, which was one where the investment was substantial, we are talking about a situation where there was an investment of something of the order of a million pounds – and we know that there was an investment of a million pounds because they asked for EU funding. They were putting 70% of the money and the EU was providing 30%.

2375 So that was probably one where I can put a figure, but if there had not been 30% of EU funding that they requested in assistance, we would not have known how much money was being put.

2380 There is no information and, to my knowledge, there was not under the previous Gibinvest office, when it was under the DTI, that actually meant that people came in and actually provided detailed breakdowns of the capital that they were putting in or the investment that they were putting in.

In terms of local companies that have registered with us in the year 2012, they range over every area, from people opening shops, to people opening restaurants, to people opening construction companies. As I have mentioned, the only ones that I have got direct knowledge of are the dozen construction companies that essentially have been formed by people who were previously in the construction industry as employees, have been made redundant and were in an age of being in their late 50s – 49 to 50 – and at

2385 that age, they approached the Department on the basis of, 'We are having difficulty in getting rehired in construction, because they tend to take younger guys who clearly are seen as being potentially more productive in what is a tough job.' It is a physically demanding job in the construction industry.

2390 They are people who have got skills, so one of the things that in fact I suggested to those people who came to me was well look, have you thought of the possibility of setting up a small company yourself, that can then do subcontracting? You can then take on some trainees. You have been working in the construction industry for 30 years, the skills that you have got you could pass on to somebody else. You train them and then you keep them and you are in a position to meet the demands for subcontracting in the industry, and the demands that we have as a Government, by joining the approved list of contractors. There is about a dozen.

2395 But those people did not start with any capital, they had no capital; they were all unemployed. Most of the others were people who have been either local companies that have diversified or opened a second business, and people that have either done it in partnership with outsiders or in a few cases, people who have come in on their own.

2400 The reality of it is that there have been many, many more than the numbers that I have given of people that have come up with ideas and have had meetings with me, and have said they are very interested in doing a number of things, but then nothing has materialised. I think the hon. Member may be aware professionally that quite often there are people who come, who make all sorts of pictures of what they can achieve, what they can do and the capital they have, but when the crunch comes that they have to put the money up, it is not there. There has not been one single big or two single big investors that you could point out to.

2405 In terms of the Sunborn, the investment may not be £150 million spent in Gibraltar, but it is the availability of an asset worth £150 million, which in Gibraltar would not have been produced within a matter of months, but would have taken years, to go from getting planning permission to build a hotel for 197 beds to actually delivering the hotel.

2410 Okay, you can argue that during the construction period, there would have been a benefit to the economy; but of course, against that, you have to offset the fact that it does not open the doors until three years later, so here you have got an investment in an asset. It is the asset that is worth £150 million and that asset in itself generates employment and economic activity. That effect will not be seen until, in fact, the thing is operational. At this stage, as it is at the moment the contribution that it is making to the economy is that may be £20 million may have to be spent on the vessel, because all the internal finishing is being done in Gibdock at the moment, which is where the ship is now.

2420 **Work-related stress  
Surveys done within Government**

**Clerk:** Question 484, the Hon. J J Netto.

2425 **Hon. J J Netto:** Mr Speaker, can the Government say if any work related surveys on stress have been conducted since 11th December 2011 and if so, could the Government provide the names of the Government Departments, Authorities, Agencies or Government owned companies where such surveys have been conducted, and provide Parliament with a copy of any such surveys carried out?

2430 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** No, Mr Speaker. *(Laughter)*

2435 **Hon. J J Netto:** Mr Speaker, the reason why I asked *(Interjection)* this particular question is because last month I attended a talk by the local branch of IOSH where they had a particular specialist who came over from the UK from the Health and Safety Executive, where she provided a talk on the issues of stress at work. This is what triggered my question in the first order.

2440 Despite the fact that I take note of what the Minister has said, in relation that no such surveys have been undertaken, can I urge the Minister whether he would have a discussion not only just with his own staff in relation to the factory inspectors, but also in relation to the members of the local branch of IOSH because perhaps, at least judging from some of the comments of the people who went there, from Gibraltar, to Bleak House to listen to this talk and participate in thereafter, it may seem that there are... not necessarily I am saying throughout all the entirety of Government Departments, Authorities, Agencies and Government companies, but there are pockets in particular areas where this may be likely to be the

2445

case, and of course any such surveys that are carried out then can be put to good use in terms of addressing some management issues, to avoid having that particular scenario.

Can I urge the Minister perhaps that he take this forward with the relevant parties?

2450 **Hon. J J Bossano:** Well, I take the point that there may be pockets of Government where people may be under a lot of stress.

The only anecdotal evidence that I have of that is that I am told that there was a marked drop in the level of stress in No. 6 Convent Place on 9th December 2011. (*Laughter, interjections and banging on desks*)

2455

**Clerk:** Question 485.

2460

**Sunborn Hotel  
Supplementary question**

**Hon. D A Feetham:** Mr Speaker, I have been away from Parliament, I went to the Mass for Graziella Zammit.

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I understand that the Hon. Minister for Employment has answered a question in relation to the Sunborn and £20 million was mentioned. Is it possible for me just simply to ask a supplementary in relation to that at all, with your indulgence. If not, I will leave it until the next time round.

2470

**Mr Speaker:** I will be liberal with the Leader of the Opposition and allow him to ask a question.

**Hon. D A Feetham:** Thank you.

Yes, Mr Speaker, in relation to the £20 million that I gather it will cost the owners of the Sunborn to have the ship effectively kitted out at Gibdock, can the Hon. the Minister for Employment confirm that there are no arrangements with Gibdock at all, so that Gibdock, in any way, shape or form, takes a view in relation to that £20 million, either in terms of the period of time that a longer period of time within which that £20 million is paid; or alternatively, in any arrangements that the Government may have entered into with Gibdock itself, that indirectly assists the owners of the Sunborn?

2475

Just to clarify that, please.

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**Hon. J J Bossano:** Let me say that the £20 million that I volunteered in information – (*Interjection*) It is a figure that I was told by the owner of the ship was likely to be the order of work that we would be getting, when we were discussing before the ship came here.

The ship was finished in Malaysia, but the actual finishing of the interior, of many of the cabins, is going to be done here, because the ship is here, and would have been done in Barcelona, if it had gone to Barcelona. What he told me at that stage was that that would generate about £20 million worth.

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I would not like to be held to the figure, because I do not even know whether in fact that is in fact what Gibdock has quoted for the work here or not, but I can tell him that there has been no involvement whatsoever by the Government in either negotiating with Gibdock, or negotiating with the ship owner.

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The source of my information was that, in looking at what the ship would bring to Gibraltar, one of the things that the owner at the time told me was that if the ship came here, the first gain to Gibraltar's economy would be that it would generate work for the shipyard in order to get it finished.

This is part of the capital costs of the vessel, but we have had nothing to do with either the shipyard or the owner in financing it, or the payment, or how it is going to be done.

2495

**Health & Safety  
FJS training; reports; inspectors; convictions; accident books**

2500

**Clerk:** Question 485, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer to Question No. 367/2013, can the Minister for Training and Health & Safety provide details of the Health and Safety training given to Future Job Strategy trainees by their training providers?

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**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.



2510 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this Question with Questions 486, 487 and 489 and 491.

**Clerk:** Question 486.

2515 **Hon. J J Netto:** Mr Speaker, further to the answer to Question No. 369/2013 can the Minister for Health and Safety say if the Government is planning to produce annual Health and Safety reports in the future?

**Clerk:** Question 487.

2520 **Hon. J J Netto:** Can the Minister for Health and Safety provide the breakdown of hours worked individually by the Factory Inspectors and the two seconded Health and Safety Advisors during the month of May 2013 in the various industry groups, plus the number of hours worked undertaking office duties?

2525 **Clerk:** Question 489.

**Hon. J J Netto:** Mr Speaker, will the Government consider applying the UK practice of publishing the names of the companies and individuals who have been convicted in the previous 12 months of breaking Health and Safety law, inclusive of those companies that have been served with prohibition notices and improvement notices?

2530 **Clerk:** Question 490.

2535 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say how many Codes of Practice in Health and Safety have been done since 11th December 2011, and provide Parliament with copies of such?

**Clerk:** Question 491.

2540 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say which Government Departments, Authorities, Agencies and Government-owned companies have accident books available within their premises?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2545 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, training providers are not required to report to the Employment Service the nature of the Health and Safety training, if any, that they give their employees.

No decision has been taken on whether to resume the production of annual reports which, as stated in answer to Question 369, were discontinued in 2007.

2550 No, I am not prepared to provide the hon. Member with the breakdown of what work any given public officer was doing in each of his hours of work in the month of May, or in any other month for that matter.

Any entity or individual committing any offence is already publicly identified as a result and at the time of the conviction.

2555 I understand that in the UK, the Health and Safety Executive has been publishing enforcement reports since the year 2000. There are no plans to introduce this practice locally.

No new codes of practice have been introduced since 11th December 2011.

All Government Departments, Authorities, Agencies and Government-owned companies that had accident books available within their premises on 8th December 2011 continue to have them.

2560 The Government companies that have become operational since, also have them.

**Hon. J J Netto:** Mr Speaker, if I may ask a supplementary question, that is to the answer given to Question 485 in relation to training by training providers: I think the Hon. Minister has said that there is no requirement for the training providers to provide or document the training being given whilst the trainees are on placement. Well, if that is the case, Mr Speaker, it may be so that there is no requirement, but I am sure that the Minister of Employment, who is also the Minister for Training and also the Minister for Health and Safety, would want to know, as a matter of policy, that the Department which he heads as a Minister would want to know what training is being provided.

2565 So the question that I am trying to pose now in my supplementary is that while there may not be a requirement by the training providers to log and provide details, do the officials working under the

2570 Minister know what sort of training is being provided by training providers when trainees are being placed?

2575 **Hon. J J Bossano:** Well, Mr Speaker, what I am telling the hon. Member is that we do not have reports as to the Health and Safety training that an employer gives their employees. Therefore, if we send an employee to work in an office, then we have not gone to check that the employer provides health and safety to everybody in the office, but not to the trainee. It would be very odd if that was happening.

2580 So whatever training is provided to the employees, of which there is no record either since 9th December or before 9th December – that is, I have asked the inspectors who have been there for the last 15 years, whether they have records of the Health and Safety training of employees in the different employers in Gibraltar, and the answer is no – when we send somebody to a place, we take it for granted that if they are providing Health and Safety training, the trainee that is there who is going to become their employee in two months' time will also get it.

2585 But I cannot tell the hon. Member that it is taking place because there are no records, either since 9th December or before 9th December, of what is happening in any of those employers.

2590 **Hon. J J Netto:** But surely, Mr Speaker, if the Future Job Strategy Scheme has been a new one which has come into effect on the arrival of the new Government and it has been designed as a scheme by the very Minister of Employment, Training and now Health and Safety, surely in the design of that particular scheme, he will want to know, him and his officials, that when trainees are being placed by a training provider out there, perhaps either within Government or in the private sector, that there is someone logging away from the very minute that particular trainee has been placed, whether he is receiving any particular training on Health and Safety at all.

2595 Even if it is for the most basic of things for a new trainee, particularly youngsters leaving school, where they have no experience whatsoever of the world of work and may even need to have some sort of induction on basic Health and Safety in a working environment, I am sure that is a very reasonable aspect – in fact probably a duty of care that the official should have when placing those particular trainees. Has the Minister not considered, when designing the Future Job Strategy, that issues of that kind should be logged somehow, to determine what training has been given to the trainees?

2600 **Hon. J J Bossano:** Well, I think the hon. Member does not have a clue what he is talking about, Mr Speaker. *(Laughter)*

2605 I have explained – I have been a year and a half explaining in this House – that the way the system works is that it is demand led. That means that if tomorrow, somebody opens a vacancy for a trainee cook, then we send somebody that wants to be a trainee cook. I take it for granted, but I may be wrong, that the Health and Safety that is provided for the cooks in that establishment will be extended to the newly acquired addition to the staff and not that they will be treated as an outcast and denied that training.

2610 But I do not understand why he thinks that it is very important to include this now, when in fact all the people that I took in in the VTS, or in the private sector, were not doing Health and Safety. It is not something that was going on which we have stopped. It is something which he thinks, from the Opposition benches, is a good thing which he wants me to adopt. Well, as far as I am concerned, if I am responsible for the Health and Safety, it is not for the Health and Safety of trainees; it is for the Health and Safety of everybody. So I would have thought that if we thought it was necessary for every employer in Gibraltar to give Health and Safety courses to employees, it would have to be to all employees that they take on, whether they take them on from the training system or they take them on without the training system.

2615 I do not see why, because they come through the avenue of the training system, their exposure to danger is greater; it is the same.

2620 This is not just school leavers. I have answered already in the questions today that we have got people who are in their 40s or their 50s who are employees who have lost their jobs, are unemployed and we put them into training. They may have had experience of work for many, many years.

So the answer is that I assume there are employers who provide Health and Safety training in Gibraltar, but I have no evidence that that has ever been monitored, either since or before.

2625 **Hon. D A Feetham:** Mr Speaker, the distinction is this, isn't it...? And we accepted this: that in relation to the VTS scheme, and this affects... The Future Job Strategy is an extension of that with greater pay and a guarantee, according to him, of a job at the end of it. That is what it is. That is what the Future Job Strategy is. The distinction is that we are talking about the distinction between a job placement and proper training.

2630 When I talk about proper training, I talk about, for example, what we were talking about earlier on, which is the schemes that he has in mind about the maintenance training – the more general maintenance training – is going to be provided by the Construction and Training Centre. But what is happening at the

2635 moment is effectively that it is an on-the-job placement with those employers and there are no structured training schemes from the ETB. It is just up to the employer to effectively deal with that person as the employer thinks fit, because the employer at the end of the day is the entity that is guaranteeing the employment. That is the position, isn't it?

**Hon. J J Bossano:** Well, I do not quite see what the relationship is between that and the question which says to me, can Government say what Health and Safety is taking place in all these places where we have got trainees?

2640 Well, look, the answer is whatever Health and Safety applies... I cannot imagine, Mr Speaker, that if tomorrow I sent a trainee to Hassans, Hassans will say, 'We will provide Health and Safety training to everybody except to the trainee.' Whatever is the norm in that particular place is what will be applied to the new person that comes in. Whether the new person comes in on the basis that we are going to be paying for the first three months or whether the employer is paying from day one, if we think we ought to require every employer in Gibraltar to provide basic Health and Safety training, well look, that is a policy that in my view would be applicable whether the employees were paid for by the placement provider or whether the employees were paid for for a couple of months by the Employment Service.

2645 But the point that I want to make to the hon. Member is that certainly the policies of the Government are not going to be driven by what the hon. Member now thinks is a good idea to do because he is on that side, which he never thought was a good idea to do when he was on this side.

**Hon. J J Netto:** Mr Speaker, can I ask the Minister whether, in the situation where you have young people who have just left school, who have got no experience whatsoever of the world of work and they go to a particular industry group – let us say, for instance, the construction industry, where we all know there is a higher incident of accidents taking place – does the hon. Member not agree that at the very least – not perhaps in Hassans but in the construction industry, at the very least in that particular industry – a new particular trainee of the Future Job Strategy, being placed in the construction industry in a site, at the very least, ought to have basic induction on Health and Safety?

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2660 **Hon. J J Bossano:** All the trainees in the construction industry have had a basic induction in Health and Safety already, provided before they went into the site.

**Hon. J J Netto:** Mr Speaker, can I ask a different supplementary, because I was trying to write as much as I possibly could, and that is in relation to the answer provided to Question 491? This is the issue of accident books on the premises. I was not quite sure what the Hon. Minister did say at the time.

2665 I think he did say something along the lines of saying the accident books today are the same that existed prior to the General Election. Was that correct, what he said?

2670 The point I am trying to ascertain for me is whether every single Government Department, Authority, Agency and Government-owned company do have an accident book. This is what I am trying to determine – today, not before and whether he can provide me an answer whether that is the case.

**Hon. J J Bossano:** Well, Mr Speaker, given his interest in the subject matter, I have assumed that every Government Department, Authority, Agency and Government-owned company had accident books in their places of work, when he was there to make sure they had them.

2675 Assuming that must be true, because I do not see why he should become so concerned about people's exposure to Health and Safety risks from the 9th... unless they think they are at risk from me!

2680 So therefore on the assumption that this is standard procedure and that everybody has these accident books, I am telling them, nobody has had the accident book removed on 9th December. All those who had it before have it and the only people that I can guarantee have got accident books are the ones that have come into existence after the 9th. That is to say, the companies that were not there when he was in Government are the companies that I can tell him have had accident books, because we made sure that they had them.

2685 We have not gone back to check whether the people who were there on the 8th were in fact being as conscientious as we are about this. But given his interest, I have assumed naturally that he made sure that the accident books were there before he left office, and I can tell him that if they were there, they are still there because nothing has changed. I can also tell him that we make sure that any new office or any new building or any new company gets one, so we should be 100% covered.

2690 **A Member:** Hear, hear.

**Health Authority  
Health and Safety audits and statistics**

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**Clerk:** Question 488, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for Health state the number of Health and Safety audits and statistics collated during this year in the various departments of the Health Authority, and provide Parliament with copies of such?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, a total of 13 Health and Safety Risk Assessments have been conducted so far this year within the Health Authority. The documents are internal and not for publication.

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**Clerk:** And with that, we come to the end of Answers to Oral Questions.

**Question 476/2013 – Rental homes assigned  
Additional information**

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**Clerk:** I will move on to Answers to Written Questions. The Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might just crave the Chair's indulgence, this morning Mr Reyes asked the question of Mr Balban and the Hon. Mr Balban has been able to clarify an answer that Mr Reyes asked clarification of, and I think he is able to provide that information as requested.

2725

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Thank you, Mr Speaker. To clarify on Question 476/2013 asked this morning, there was a query regarding the temporary allocated flats refurbished and assigned. I gave the hon. Gentleman the number three, and he wanted to see how that was broken down.

The reply I received was that of these three, one was done by the Housing Works Agency and two were carried out by sub-contractors.

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**WRITTEN ANSWERS TO QUESTIONS**

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**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table the answers to Written Questions numbered W59/2013 to W69/2013 inclusive.

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**Mr Speaker:** Ordered to lie.

**ANNOUNCEMENTS**

2745

**Television of proceedings  
To commence on Monday, 24th June**

**Clerk:** The Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, before I invite you to make the adjournment, in discussion with the Leader of the Opposition and the Hon. Mr Bossino, we have been able to agree the terms for an initial broadcasting of the proceedings of this Parliament, not just in audio but also in video, to commence on the renewed date which will be Monday at 10.00 a.m.

2755 Any transmission of video or pictures from this place, as I have always understood it, is dependent on the Chair's permission, so on the basis that there is a broad understanding and some draft Rules that we believe can be adhered at least to in spirit in the initial stages, to be looked at in more detail in the Parliamentary Reform Select Committee, we would invite you to rule that, as from the opening of the proceedings on Monday, the proceedings of Parliament should be transmitted in video and made available on the Parliament website, and to any media agency that requests the feed.

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**Mr Speaker:** There is no problem, I am delighted that we should proceed on that basis.

These are draft Rules, as the Hon. the Chief Minister says. No doubt in the light of experience, they will be amended, if that were to be the case, if there were any need to do so, otherwise those draft Rules can then be adopted by a resolution of the House.

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**Hon. Chief Minister:** I am grateful, Mr Speaker.

What I would do is I would invite the House... we will share with the Clerk the Rules and would invite the House to share with the media and to put on the website those parts of the Rules that relate to use.

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The directing of proceedings will actually happen here in the House and will be handled by the Ushers, but there are Rules which this House will want third parties to follow about what can be done with the images, once they are transmitted.

For example, if somebody were to record them, the Rules at Westminster which we will be adopting here, require, for example, that the images not be used in satire, etc. Perhaps we can agree what those are – it is very clear in the draft what those are – and invite the Clerk to put those on the website of the Parliament and to share those with any media outlet that may be taking the feed – in particular, the public broadcast of GBC and any of the other local media outlets that might seek to have the feed.

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**Hon. D J Bossino:** Mr Speaker, simply, from the Opposition benches, to welcome this as something that we voted in favour on, when the Hon. Chief Minister presented the motion, and to say that it is something that we will be welcoming when it starts on Monday.

In relation to the draft copy of the Rules, which were e-mailed to me by the Hon. the Deputy Chief Minister and to the Leader of the Opposition, we have had a look at it. We have already identified certain drafting matters in respect of which we would like to put to the other side, and I have had a brief conversation about them with the Hon. the Chief Minister. But it is a draft set of Rules that we can at least, in order to start the process on Monday, we can use, and then as you pointed out earlier, we can develop further on.

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But simply to point out that there are already some issues that I have raised and I would like the opportunity to put across in a more formal way to the Members opposite.

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In relation to the broadcasting issues which the Hon. the Chief Minister has referred to, I can identify two of them: one he has already mentioned and the other one which is in the preamble, in effect, to the Rules which provide that 'the broadcaster should seek to give a full balanced, fair and accurate account of the proceedings' and it goes on. I think probably those two broad issues are matters which ought to be adhered to from word go.

2795

**Hon. Chief Minister:** Mr Speaker, if I may, I think the second one – and the reason I have not mentioned it in particular the second one – is one which the broadcaster in this case, because it is a public broadcaster, already is required to adhere to.

2800

In any event, as the hon. Member knows, this is going to be a debate that airs, either live or in a reporting of it, on the news during the course of an election campaign and the rules as to balance will, in any event, I think apply, at least in relation to that period, this initial period when we are going to be broadcasting.

I think, Mr Speaker, we are waiting for you to rule.

2805

**Mr Speaker:** I am quite happy that we proceed along those lines.

Look, we already have the Select Committee, which I think has to report to Parliament six months... let us say, the end of the year. I think that we should regard this period as an exploratory period and endeavour to have these draft Rules, amended as may be necessary, also adopted by Parliament sometime at the end of the year.

2810

**Hon. Chief Minister:** Obligated, Mr Speaker.

To give business efficacy to the whole thing, can I invite the Clerk to circulate to everyone again, before we start next week, the Rules as to microphones because that will also involve the cameras? We were all very good at the first sitting when we had the microphones. I think this time we have all got a bit

2815 carried away as well, but if we have the note on microphones, that reminds us that when we engage the microphone, we also engage the camera.

2820 **ADJOURNMENT**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I now have the honour to move that the House do now adjourn to 10.00 a.m. on Monday, 24th June. I give notice that I shall be taking the Appropriation Bill at that stage.

2825 There is a Government motion on the Order Paper. I am going to move that Standing Orders be suspended, so that we take that motion at the end of Bills, this time round.

2830 **Hon. D A Feetham:** So what he is proposing, Mr Speaker, just so that I understand it, is to take the motion at the end of, effectively, the Budget and any Bills that we are going to be taking, yes?

**Hon. Chief Minister:** Yes, Mr Speaker, that is the usual practice, when we are dealing with motions which relate to medallions, etc. So we will do the Bills first and then we will come at the end to a much more pleasant stage of dealing with that motion.

2835 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Monday, 24th June at 10.00 a.m. All in favour? (**Members:** Aye.) Those against. Passed.  
The House will now adjourn to Monday, 24th June, at 10.00 a.m.

*The House adjourned at 7.32 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 12.57 p.m.

Gibraltar, Monday, 24th June 2013

## The Gibraltar Parliament

5

*The Parliament met at 10.00 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

10

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

15

### Televising of proceedings Congratulations and thanks to all involved

20

**Mr Speaker:** Hon. Members, as we sit in this House this morning, history is being made. For the first time ever, we are privileged to be able to enter into the homes of our people through the medium of television, thereby enhancing the relevance of our proceedings and deliberations. I know that we all wish to congratulate and thank all those who have worked so hard to bring about such an exciting enterprise.

25

**Chief Minister (Hon. F R Picardo):** Mr Speaker, thank you for the opportunity to reflect on the fact that these proceedings are now to be aired not just on radio, as they have been certainly since time immemorial in my memory, but also on television so that people will see the proceedings of this House.

I sincerely appreciate the work that has been done to achieve this. It is one of our key manifesto commitments in respect of the opening up of our democracy, and I will have a little bit more to say about the detail of it during the course of my intervention this morning.

30

**Clerk:** Sitting of Parliament, Monday, 24th June 2013.

**Mr Speaker:** The Hon. the Leader of the Opposition.

35

**Hon. D A Feetham:** Mr Speaker, yes, simply to associate myself with your words and also with *some* of the words of the Leader of the House, the Chief Minister.

The televising of parliamentary proceedings is something that I have personally supported since 2002. It is something that this Party has supported from its last term in office, and of course we are here on a cross-party basis because it is supported by both sides of the House.

40 Mr Speaker, I would also like, as you have done and also the Chief Minister, to congratulate everybody who has been involved in making this project a reality. It has not been easy in the timeframe that we have had available, but they have done a magnificent job.

45 **SUSPENSION OF STANDING ORDERS**

**Mr Speaker:** The Hon. the Chief Minister.

50 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7.(3), to suspend Standing Order 7.(1) in order to make a Ministerial Statement to Parliament and also to proceed with Government Bills.

**Mr Speaker:** Do all Members agree that the Standing Order should be suspended? Those in favour? (**Members:** Aye.) Those against. Carried.

55

**Congratulations to Hon. Sir Peter Caruana**

60 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before I start on the Ministerial Statement that I am about to make, I recognise that the Hon. Sir Peter Caruana is in the Chamber today for the first time since Her Majesty saw fit to bestow that Honour upon him, and I think it is appropriate for me to recognise, on behalf of the people and Government of Gibraltar, that that recognition is rightly deserved. I have already issued a Government Statement recognising that. He was 16 years in the Chair that I occupy today, no doubt something very worthy of recognition.

**Mr Speaker:** The Hon. the Leader of the Opposition.

70 **Hon. D A Feetham:** Mr Speaker, again I associate myself entirely with the words of the Leader of the House. We too have issued a statement. It is something that I will also touch upon during the course of my own Budget speech. I think that if anybody deserves a knighthood, it is Sir Peter Caruana. It is extremely well deserved – again on behalf of the Opposition, which once more congratulates Sir Peter on a very meritorious award indeed.

75 **Mr Speaker:** I wish to associate myself with the remarks of both the Chief Minister and the Leader of the Opposition. My warmest congratulations to the Hon. Sir Peter Caruana and to Lady Cristina on the award of such a very significant Honour.

80

**ECOFIN endorsement of Income Tax Act  
Statement by the Chief Minister**

85 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am delighted to be able to announce that in its meeting last Friday in Brussels, which ended in the very early hours of Saturday morning, the European Council of Economic and Finance Ministers of the 27 EU Member States, also known as the ECOFIN Group, endorsed Gibraltar's Income Tax Act, as amended earlier this month, as now being compliant with the EU Code of Conduct for Business Taxation.

90 This is the first time that Gibraltar's tax system has been fully endorsed by both the Code Group and the ECOFIN. These approvals mark a major milestone in the transformation of Gibraltar as a mainstream and compliant tax jurisdiction.

95 Although the EU Code of Conduct is not a legally binding instrument, it has strong political force. It has become the yardstick by which harmful tax measures within the EU and in the Overseas Territories of the EU Member States are assessed.

The Code was adopted in 1997. It requires Member States to refrain from introducing any new harmful tax measures, which is known as the standstill principle; and amend any laws or practices that are deemed to be harmful in respect of the principles of the Code, which is known as the rollback principle.



100 The Code covers tax measures – legislative, regulatory and administrative – which have or may have a significant impact on the location of business in the Union. The Code Group criteria for identifying potentially harmful measures include identifying an effective level of taxation which is significantly lower than the general level of taxation in the country concerned; tax benefits which may be reserved for non-residents; tax incentives for activities which are isolated from the domestic economy and therefore have no impact on the national tax base; the granting of tax advantages even in the absence of any real economic activity; the basis of profit determination for companies in a multi-national group which departs from internationally accepted rules, and in particular those approved by the OECD; or a lack of transparency.

105 The Code is implemented by the Code of Conduct Group, which is a group that pulls together the tax authorities of the 27 EU Member States and is chaired by the European Commission.

110 Gibraltar's Income Tax Act had been under close examination by the Code Group for several years now. In November 2012, the Code Group made its evaluation and found that the Income Tax Act, as adopted in 2010, contained harmful tax measures. It made that finding on the basis that the non-taxation of intercompany loan interest income was harmful because in practice it benefitted transactions with non-residents.

115 Since November 2012, last year, the Government has therefore been working very intensely indeed with the European Commission in finding a way to address that concern. This was including attendance at various meetings in Brussels by me and by officials. As a result, the Government has been able to devise changes to the Income Tax Act which remove the perceived harm – or rollback, in the language of the Code.

120 The Gibraltar Government was invited to make representations to the Code Group on 29th May 2013 to explain the work it had done on rollback since November 2012. At that meeting, the Code Group took a vote and found in Gibraltar's favour by what I will describe today as a crushing majority vote. It is this vote that was endorsed by the ECOFIN last Friday.

125 Mr Speaker, this is a great and important day for Gibraltar as a serious EU-compliant financial services jurisdiction. Gibraltar's listing as a harmful tax jurisdiction under EU Code of Conduct criteria has been damaging to Gibraltar's reputation for the last 15 years. Code Group approval has eluded us since its creation in 1997. I am therefore delighted that the work we have done and the meetings we have held since November 2012 and the amendment we made earlier this month have been found satisfactory and have now given Gibraltar, for the first time, a clean bill of health under this important process.

130 Mr Speaker, in the spirit of the privy council-style status that I have sought to create to move away from unnecessary partisanship on matters of national importance and allow the Opposition to be briefed on such matters, I asked the Chief Legal Adviser of the Government and the Commissioner of Income Tax to brief both the Leader of the Opposition and the previous Chief Minister of the results of the Code Group's determination some weeks ago, ahead of the ECOFIN meeting that had originally been scheduled for 20th June.

135 Mr Speaker, I am delighted to now have the opportunity to share this excellent and hugely positive news with the whole House and the public.

140 Mr Speaker, those who persistently try to denigrate us, those who, with compulsive blindness, seek to undermine the reputation and credibility of our country are fast running out of credible options to do so. We will continue to expose them, Mr Speaker. We will do so by showing them all that Gibraltar can and will adhere to EU and international standards and will prosper in the process of doing so. That is the economic model my Government subscribes to. That is the economic model that will take us forward and deliver the progress we deserve. *(Applause)*

145

## Order of the Day

### BILLS

150

#### FIRST AND SECOND READING

##### **Appropriation Bill 2013 First Reading approved**

155

**Clerk:** Bills, First and Second Reading.

A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2014: the Hon. the Chief Minister.

160

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2014 be read a first time.

165

**Mr Speaker:** I now put the Question, which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2014 be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Appropriation Act 2013.

170

##### **Appropriation Bill 2013 For Second Reading Debate commenced**

175

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This is my 10th Budget session as a Member of this Parliament and my second Budget address as Chief Minister, and I now have the honour to present the Government's revenue and expenditure estimates for the year ending 31st March 2014.

180

Mr Speaker, this debate on the Second Reading of the Appropriation Bill has traditionally also been not just about economics; it is also a State of the Nation address, touching areas beyond the numbers in the schedule to the Bill. I will, nonetheless, also of course report to this House on the state of the economy and public finances and on the revenue and expenditure outturn for the previous financial year, which was the first full financial year under the Socialist Liberal Government.

185

Mr Speaker, I will end my address to the House by outlining some of the more specific Budget measures that the Government will introduce this year in pursuance of manifesto commitments and new measures designed to address the social and business needs of the community.

190

Mr Speaker, this debate on the Second Reading will be historic in many ways. The substance of the economic points I will make will be, of course, the highlights of this debate, but one historic innovation today, which we have touched upon already, is the fact that the debate is being transmitted not just in audio but also in video. Today, I believe these proceedings are finally being broadcast on Parliament's own website, on television by the public broadcaster, and on the websites of such other national media outlets as may request it – although I do ask viewers to bear with us if there are some glitches as we start this process.

195

Mr Speaker, in my first Budget speech in 2004 I was advocating the video transmission of the proceedings. It is therefore an enormous pleasure for me to have led, with the Deputy Chief Minister, the physical reformation of this Parliament to include the installation of cameras. I am very happy that we were able to agree the basic rules with Members opposite and that you have ruled that, on that basis, the cameras should start to roll.

200

It is important that I also recognise here the huge efforts of the Government's IT and Logistics Department in getting the necessary systems talking to each other and able to transmit not just on television but also to stream on websites. It has been a huge task, involving many complicated pieces of hardware and software, and even the laying of cables, and all of it done and delivered quickly and effectively.

205 It is also right, Mr Speaker, that I should recognise the work done by the Clerk and Ushers of the House, who have, in an extremely short time, made themselves experts in the management of the newly installed cameras – veritable Spielbergs of parliamentary proceedings. I want to congratulate them for their work in this particular regard.

210 Mr Speaker, all of this with a backdrop of more parliamentary meetings than ever, with a monthly Question Time 10 times a year. Already, Mr Speaker, we have had double the number of meetings we would have expected to have in whole terms under previous administrations. So a more open democracy and a more democratic process of monthly accountability has been ushered in.

215 Moving on now, Mr Speaker, as was the case with the first Budget of my Government last year, this Budget is designed to support working families. It is a Budget to support both our youth, our senior citizens and the disabled. It is a Budget that will encourage business and improve our public services. In short, Mr Speaker, this is a Budget that will further improve the quality of life and standard of living of all citizens in Gibraltar and will deliver on even more of the obligations we acquired during the last General Election campaign. A Budget, Mr Speaker, for *all* the community.

220 All of this, Mr Speaker, in the context, for yet another year, of economic problems throughout the rest of Europe and most of the rest of the world. Mr Speaker, from the time that I was in Opposition, however, I repeatedly said that I did not believe that Gibraltar should be comparing itself to the underperforming European economies. That is why this year I want to look also at how we compare to some of the *best*-performing economies in the world, and I will do that later on in this address.

225 But we certainly should not lose sight of the world that immediately surrounds us. The economic problems faced by the developed countries of Europe have not been resolved in this last year by any measure. Recent reports from Eurostat suggest that unemployment in neighbouring Spain has reached 26.8%, and youth – which means under-25 – unemployment an unprecedented 56%. In the neighbouring region of the Campo de Gibraltar, unemployment generally is running at a rate of approximately 40%.

230 Mr Speaker, national debt had spiralled out of control in each of the countries where we have seen such economic tragedy play out, reaching 88% of GDP in Spain. That is why, during the General Election campaign of 2011, we identified that the levels of gross and net debt our nation was labouring under should be reduced. At no stage did we say we were broke or bankrupt as a nation. Anyone who suggests the opposite is simply, Mr Speaker, unable to build an argument based on the truth of what we said. Anyone can check any debate or any statement we made and see that what we said, repeatedly and clearly, was that we were concerned at the levels to which our debt had risen.

235 Well, Mr Speaker, those have been the concerns that have remained at the forefront of this Government's economic agenda throughout this first full financial year of our administration of our nation's affairs, and that is reflected in this address to Parliament today. Let me therefore start this review of economic performance, Mr Speaker, by looking at the state of our GDP and levels of debt.

240 Mr Speaker, gross domestic product in 2009-10 was just short of £1 billion. I believe the figure was £998 million. In 2010-11 it was £1.05 billion. Mr Speaker, estimates last year reflected Gibraltar's gross domestic product for the financial year 2011-12 was £1.137 billion, and we expect that figure to be met or slightly exceeded. For 2012-13, GDP was forecast to be above £1.2 billion. In fact, Mr Speaker, we expect that to come in at approximately £1.226 billion on early estimates. These figures reflect a continued growth in our economy of almost 8% per annum. At that rate of GDP growth – almost 8% per annum – we would be, based on data published by the CIA Factbook, approximately 17th, in global terms of GDP growth.

245 With the steady commencement of the implementation of our manifesto commitments – in particular, the affordable housing construction projects – and the effect that this will have on our economy in the coming years, GDP growth is now expected to accelerate – and in fact comfortably surpass our original estimate of £1.65 billion by 2015-16. Our economy is therefore on target to deliver or exceed the ambitious target we set in our manifesto. And so, Mr Speaker, the good news is that Gibraltar's economy is expected to continue to grow on track, despite the continued European and global economic downturn, exactly as we predicted and despite the many suggestions from some quarters that this was impossible.

255 Interestingly, Mr Speaker, the figures emerging from our Statistics Office demonstrate that GDP per capita has risen to an average of £41,138 – or US\$64,478, calculated on an exchange rate of US\$1.56 to the pound. By the per capita rankings of the International Monetary Fund, Gibraltar would now rank 5th in the world ranking of GDP per capita, immediately above Monaco, Singapore and Jersey, and just below Bermuda and Luxembourg. Although these measures are not scientific – neither this one nor the one of GDP growth which I gave earlier – because of differing methodologies and fluctuating exchange rates, it is worth noting that the Government Statistics Office reports that we are up from ninth place in 2011-12. And Treasury figures reflected in estimates show that continued growth in GDP has been achieved whilst also fulfilling our responsibility to reduce gross and net debt and improve cash reserves.

260 Mr Speaker, during the financial year 2012-13, the level of gross public debt has been reduced by £142 million – and that is reflected on page 2 of the Estimates, Mr Speaker – from £518 million to £376 million. That is a gross debt reduction of 27.5%.

As Members will recall, Mr Speaker, last year I predicted that gross debt would be reduced by approximately £68 million. In fact, we have reduced gross debt by over double that amount. Gross public debt is forecast to fall again during the current financial year by *at least* a further £12 million. Again, we have exceeded the estimated reduction in gross debt and we remain on target to achieve our commitment to have reduced gross debt by half by the time of the next General Election. We are now more than halfway there in less than half the lifetime of this Parliament.

The level of net public debt has also fallen, as reflected on page 3, from £303.4 million to £291.3 million, and it is anticipated that net debt will fall by a further £13.3 million at least by the end of this financial year, which will amount to a reduction of approximately 10% in net debt in two full financial years.

Moreover, Mr Speaker, cash reserves available to the Government have now been restored to more prudent levels than we found when we were elected. Cash reserves of around £85 million are now available to the Government, compared to the extraordinarily low £20 million which the GSD left and which we found when we took office on 9th December 2011. This also exceeds our estimate last year when I told the House that we expected to have tripled the figure of available cash reserves from the GSD low of £20 million to at least £60 million. In fact, Mr Speaker, we have more than quadrupled the sum of the available cash reserves from £20 million to £85 million. Gibraltar really was in a precarious position at the time we took over, in terms of available cash reserves – but no more.

Indeed, Hon. Members will recall, Mr Speaker, that I made a Ministerial Statement on finances which reflected that I had been informed by the Financial Secretary, when we won the election, that a resolution of the House was required to raise borrowing limits in order to make more cash available. Thanks to our more prudent approach, available cash reserves are now well up from the lows that might have required such a resolution, and I am happy to report, Mr Speaker, that further measures are being considered which will boost Government's available cash reserves even further.

Mr Speaker, the recurrent budget surplus for the last financial year was originally estimated at just over £17 million. The *actual* budget surplus for that year is now forecast, on page 2 of the Summary of Forecast Financial Outturn, at over £37.174 million. Mr Speaker, this is an *all-time record budget surplus*, and therefore, Mr Speaker, the picture emerging is a very positive one indeed: GDP growth unlike anywhere in Europe; a record high surplus like never before; and gross debt down already by almost a third.

Mr Speaker, everything that should go up *is* going up, and everything that should go down *is* going down. That already shows an economic record to be proud of and a Budget that our nation can celebrate.

Mr Speaker, Government revenue collected in the last financial year has exceeded the original budget by around £28 million, whilst departmental expenditure has been kept under tight control to end the financial year largely in line with the original budget, as indeed has been the case with expenditure required to meet Consolidated Fund charges. However, an increase of around £7 million over the original budget was required to meet the recurrent costs of the Government-owned companies, which remains the legacy we inherited from the previous administration of very costly corporations established by them.

Strong economic growth at rates unheard of elsewhere in Europe, together with a historic high surplus *and* departmental expenditure and Consolidated Fund charges on target and not exceeded, demonstrates an excellent record in economic management that speaks loudly and for itself in defiance of critical voices which have been amplified by the absence of these figures until now, and which will be silenced and discredited by the impact of these excellent numbers.

Mr Speaker, I am delighted to tell the House that, of the estimated record recurrent surplus for the year, a total of £35 million has been earmarked by the Government for donation to Gibraltar Community Care Trust, in line with our manifesto commitment. This will be an important first step for the charity to once again build up its reserves so that it can, as it used to, become totally independent of Government grants. Again, Mr Speaker, we are delivering on our manifesto obligations.

Mr Speaker, I now move on to the revenue and expenditure Budget for the current financial year.

Estimated recurrent revenue for the year is budgeted at £487 million. This is a conservative revenue budget which is just marginally above the forecast outturn figures for the previous financial year.

The recurrent expenditure budget for the year is £470 million, which reflects a modest increase over the previous financial year of just under 5%.

Mr Speaker, the Government is therefore again projecting a conservative recurrent budget surplus for this financial year of around £17 million. We believe it is better to be prudent in our estimate, given the prevailing economic outlook around the world and the potential effects of the reining in of the quantitative easing programmes of the US and the United Kingdom exchequers.

Mr Speaker, the Government is continuing with the process of restructuring the public finances in order to reflect the many changes that are taking place during its first term of office. As I mentioned in my Budget speech last year, a few changes have already been made and these are already reflected in the Estimates Book that Hon. Members have had for some time now.

330 For example, the surplus in the Gibraltar Saving Bank is no longer being transferred to the Consolidated Fund, but is being retained within the Bank in order to build up its reserves. The reserves in the Gibraltar Savings Bank have grown during the last financial year by over £2.6 million and the Bank's reserves are expected to grow by a further £3.2 million during this financial year. Mr Speaker, this will bring the accumulated reserves of the Gibraltar Savings Bank, at the end of this financial year, to over £6.6 million.

335 Another change in the accounting of public finances, Mr Speaker, is that the recurrent operating deficits in the Government-owned companies are now fully reflected in the Consolidated Fund recurrent expenditure estimates. This includes contributions from the Consolidated Fund towards the operating deficits in running the King's Bastion Leisure Centre, the Gibraltar Bus Company, Gibraltar Car Parks Ltd and Gibraltar Air Terminal Ltd.

340 Honourable Members will recall that such operating deficits in the Government-owned companies were not previously shown in the Estimates Book and that a contribution of over £28 million was made from the Consolidated Fund last year towards meeting the accumulated recurrent annual cash deficits in these companies for the period ended 31st March 2012.

345 Mr Speaker, the Government is also continuing to look into the reforms and the restructure required to the Social Insurance Funds. Although we had wished to make an announcement in respect of these reforms before today, this has not been possible. Work, nonetheless, continues on this project. The good news for employers and employees alike is that rates will remain static once again today.

350 Mr Speaker, the corporate tax yield for the financial year ended 31st March 2013 was £64.69 million, a significant increase of £7.39 million, compared to £57.3 million collected in the previous financial year. It should be noted that, under the previous Act, the average annual yield was £26 million. However, Income Tax receipts for the same period were £124.94 million, down by £7.15 million compared to £132.09 million collected in the previous financial year. This decrease is directly attributable to reduction in PAYE collections from a number of different sectors, particularly, of course, the construction industry. Tax receipts from self-employed individuals were also down as a result of the coming to an end of the transitional period following the introduction of the new Income tax Act.

355 The combined yield from Income Tax and Corporation Tax for the financial year was £189.63 million, an increase of £230,000 compared to collections amounting to £189.4 million during the previous financial year.

360 In terms of arrears, the Tax Office continues to make progress in tackling issues related to compliance, enforcement and debt recovery. The Commissioner is currently in the process of compiling a further list of PAYE defaulters and soon will be publishing their names in the *Gibraltar Gazette*.

365 Mr Speaker, in the last financial year, the Government invested around £92 million on capital projects funded from the Improvement and Development Fund. Around £21 million was invested on works and equipment and a further £71 million was invested in specific capital projects, including £4.5 million required to complete the new airport terminal building; £5.9 million on the roads and tunnels project; £5.6 million for the conversion and refurbishment of the Old Naval Hospital dementia facility; £2.9 million on the development of Governor's Parade. The sum of £40 million has also been provided in funding for the Government-owned asset-holding corporate structure.

370 Mr Speaker, in this financial year, provision of £54 million has been made in the expenditure budget of the Improvement and Development Fund. Apart from a further investment of £20 million on works and equipment, this provision will enable ongoing projects to be completed, including £1 million for the upgrade of the Victoria Stadium football ground to UEFA standards; £2 million for completing the development of Governor's Parade; and £5.3 million to complete the Old Naval Hospital dementia facility.

375 New projects include £3.5 million for the Sandy Bay Protection project; an almost nominal £3.5 million towards the beautification and cladding programme for all our existing housing estates, which will increase by further provision as the year progresses; and £1.2 million for the refurbishment of Parliament House. There will also be funding for the new schools recently announced.

380 Mr Speaker, capital projects funded through these Government-owned companies include the construction of a combination of approximately 1,000 affordable and rental homes, which are to be provided under a co-ownership scheme; the construction of car-parking facilities in numerous locations throughout Gibraltar; the small boats berthing facilities for locally resident boat owners; and the programme of replacement of our bus fleet with more environmentally friendly vehicles.

385 Mr Speaker, one of the biggest capital projects for the Government is the replacement of our three existing power stations with a single new power station in order to guarantee Gibraltar's power needs for the next three decades. Tenders have already been invited and the closing date for tender submissions is 1st August 2013. The new power station, which will be located in a reclaimed area off the North Mole, will be powered by natural gas-fired engines as well as dual-fired engines, which will be able to burn diesel should gas supplies not be available at any time. The project is in line with the Government's

390 manifesto commitment to investigate alternative sources of energy and eradicate the noise pollution and emissions in residential areas.

Progress in this area is already evident with the installation of the new temporary power station at the North Mole using rental turbine power. This has resulted in a significant reduction in noise and emission levels and has also enabled the three old power stations to close down some or all of their capacity during the silent hours without compromising the security of supply. I know this has been very welcome by residents of the area. Most importantly, Gibraltar now has, thanks to this Government, security of supply and no lack of generating capacity.

400 Mr Speaker, as hon. Members will know, the Government was not convinced by the previous administration's plan to build a new power station powered exclusively with diesel-powered engines. We did not consider that this was the right choice for meeting Gibraltar's power requirements for the next 30 years. When elected, we also found out that the plan required a *100% increase* to consumers in electricity costs over 20 years – 5% a year. It was therefore right for us to stop that proposal and work hard in the inter-ministerial committee to deliver a better solution to our people. Quite apart from the reduction in noise and emission levels, the decision to use natural gas-fired engines for the new power station will actually result in very significant savings in the cost of fuel, which now represents around 60% of the total recurrent costs of the Gibraltar Electricity Authority.

405 Mr Speaker, the Government continues to explore other ways of reducing energy consumption, including the use of solar energy for street lighting and in Government Buildings, and a number of projects are being developed in this respect.

410 A lot of work is also going into the upgrading of the infrastructure of the distribution network, and money has been set aside for those ongoing works this year. Indeed, it is that creaking network which requires most work to prevent future power cuts.

Mr Speaker, as part of the continuing role of the Gibraltar Savings Bank in providing for our locally resident senior citizens, the Bank will be issuing a new debenture, which is specifically available only to our locally resident senior citizens. Many of our senior citizens are making full use of the Bank as a home for their hard-earned savings and have come to depend on the monthly interest payments that they receive on their debentures. Our senior citizens deserve the assurance that they will be able to continue receiving a reasonable rate of interest on their savings in the medium to long term, especially in view of the continuing turmoil in the European and global financial markets. They also need the comfort that they will be able to draw on some of their capital at short notice, if and when required.

420 Mr Speaker, in this respect and to complement the Bank's five-year, monthly income, fixed-term debenture, which pays interest at 5% per annum, the Gibraltar Savings Bank will now issue a new 10-year, monthly income, fixed-term senior citizen's debenture, which will pay interest at 5% per annum, or base rate if higher, and will give debenture holders the right to withdraw up to 25% of their capital before the maturity date upon giving one month's notice and without any interest penalty.

425 But, Mr Speaker, the Savings Bank should also have a role in safeguarding savings for our community's children. In order to encourage parents, grandparents, relatives and friends to start saving for our community's children, the Gibraltar Savings Bank will offer a new Children's Bond Account. All children born in Gibraltar and who are under the age of 10 will be eligible to have a Children's Bond Account in the Bank. The Bond Account will pay interest on deposits at 5% per annum, with this interest being reinvested automatically. All the deposits in the Children's Bond Account will be held by the Bank in trust until the child's 18th birthday. Mr Speaker, the Government will itself be making a deposit of £500 to each of the Children's Bond Accounts opened for every child born in Gibraltar after midnight last night.

435 Mr Speaker, the Government continues to make a significant investment in the public sector, as the engine for growth for Gibraltar and facilitators of the private sector. A start has already been made in the Government's programme of e-Government, which will transform the way business is done in many areas of the public sector.

440 The Government is committed to promoting as much interaction as possible between the citizen and the Government and is committed to enhance the access and delivery of Government information and services to citizens and the business community.

445 A modern computerised system at the Customs Department, known as ASYCUDA, is now ready and the business community will have noted that the Department has already started the transition to a modern computerised paperless system, which will provide internet-based processing and clearing of imports and which will simplify Customs procedures and documentation, consistent with international standards and best practice. Clearance of exports using this paperless mechanism is presently a work in progress also. The system also provides for electronic yacht passenger clearing.

450 Work has also started in other areas of the public sector, including work on the establishment of a central Government counter office for the transaction of Government business. This will provide centralised payment facilities for all Government services, including the use of ATM-style machines and facilities for online submission and retrieval of documents to and from Government Departments.

Through the use of information and communication technology more generally, Government is promoting a more efficient and effective administration which will facilitate more accessible Government services and allow greater public access to information. This will intentionally make Government more accountable to citizens. E-Government will involve securely delivering a wide range of Government services via the internet. To achieve that, during the past year, key investment areas have been the following: enhancing the physical hardware infrastructure; bolstering backup and disaster recovery platforms and data replication technologies; work on high-performance network connectivity and high availability infrastructure; the expansion of the Government's secure intranet; data automation technologies; the setting up of secure online payment gateways; a database integration programme, where necessary, and the development of industry-standard e-Government portal services; as well as continued work on a new interactive Government website alongside the development of Government applications to shortly be made available to citizens; all of this alongside the work to develop the Gibraltar e-ID card.

Let me go into a little more detail of what that means, Mr Speaker. Earlier this year, we introduced a system to produce the new photo-card driving licence as part of EU directives. This was followed by the implementation of the electronic driving theory test for cars and motorcycles. These were the first public applications in line with Government's manifesto commitment on e-Government. Other departmental e-Government projects and applications will be announced in this financial year.

As a step towards implementing e-Government, we have replicated and moved our data centres to secure locations to protect against hardware or software failures, telecommunications breakdown, power failures, environmental concerns such as floods or fire, and sabotage or even terrorism. This set-up provides increased security, minimises risk, guarantees reliability of systems, minimises the chance of data loss and improves overall performance.

Measures have been implemented to further develop and enhance internal Government applications, allowing automated communication between systems and Departments. This ongoing process has also involved uniquely identifying citizens and businesses across Government systems and interlinking secure Government databases. The e-Government initiative will see the implementation of a newly designed Government website that is characterised by the publishing of fillable forms that can be fully completed electronically and submitted to relevant Departments.

With the overall improved hardware set-up and in addition to the above, an interactive e-Government portal is being developed. The e-Government portal has been designed with a view to host a variety of Government services focusing towards centralised citizen services – Government to citizen, also known as G2C services – and centralised business services – Government to business, also known as G2B services. It has been designed primarily with scalability, usability and security in mind. The Driver and Vehicle Licensing Department, Gibraltar Maritime Administration and Trade Licensing will be amongst the first Departments to see their services online. The portal will continue to expand to see the inclusion of a wide range of online services for all Government Departments.

Parallel to the above, work has already begun on the implementation of a new state-of-the-art e-ID card. The e-ID card, besides being a physical identification document, will have advanced electronic functions that will facilitate secure authentication and legally binding digital signatures using public key infrastructure (PKI) technology, which will work as a key to securely identifying citizens on the e-Government online platform. Already employers are able to take advantage of an electronic filing scheme for the ETB, which I take this opportunity to remind them of.

This Government aims to make Gibraltar the leader in e-Government services by making the best possible use of information and communication technologies to bring interactive Government counters to the doorsteps of citizens and businesses, providing services anytime and anywhere.

Mr Speaker, I turn now to the work of the Civil Service review. The extensive work of the review team is progressing on various fronts. With representation from the three union bodies, surveys have been carried out among public servants to obtain their often diverse views on a broad range of areas related to the Service. Among these are their perception of the structure of their workplace; relationships with line managers and senior management; colleagues; resources; professional development; change and future plans; general orders; experiences of discrimination, bullying or harassment; reporting; appraisal and selection procedures. Preferences have also been sought on a possible change of working hours to accommodate more family-friendly arrangements.

The collation of data is being processed with the aim of taking account of views expressed when Government finally considers adopting changes. This is something we are working closely on with both GGCA and Unite, and which will require work also with the Teachers' Union and on which I will also very shortly be commencing with the Chamber of Commerce and the Federation of Small Businesses a consultation process so that we can actually deliver the new working hours that will make us a better employer and provide better services to the private sector and the public.

In the meantime, parallel work is ongoing on a number of fronts with respective subgroups focussing on amendments to General Orders; a review of procedures to deal with absenteeism; as well as recruitment, reporting and selection procedures.

515 The original General Orders, which still constitute the basis for current procedures, are being reviewed in conjunction with a draft Public Service Code which was initiated a few years ago. Already, work has been completed on all areas related to leave – annual, sick, maternity, adoption, paternity and paternal – except for special leave. Preparatory work has also commenced on areas related to conduct and discipline and the third key block, on staff management, will be subsequently tackled.

Substantial work has also been completed on absenteeism and measures and procedures to deal with that, taking into account of changing circumstances and the need for modern practices.

520 As regards recruitment, reporting and selection procedures, work is quite advanced on the review of a document based on guidance from well-established institutions with a view to recommending the adoption of agreed procedures.

Mr Speaker, I will now address my responsibilities as Chairman of the Borders and Coastguard Agency and as Minister with responsibility for Civil Status.

525 The BCA has been very successful in its first 18 months of operations, making a good start, despite having to manage considerable change. Soon after it was set up, the Agency carried out a review of its operations at the airport, frontier and port and it now manages a far more engaged and focused operation.

530 In addition to being regulated locally, it is now inspected quarterly by HMG's Department for Transport in the UK, which ensures compliance with EU legislation. To meet these and the demands of a much larger and busier airport and new developments at the frontier and the port, it has recruited 30 additional officers, all of which have been trained locally to the required EU standards. In addition, earlier this year it moved into ex-MOD premises, extensively renovated to meet requirements and from where it manages all of its deployments and operations. All of this has allowed the Agency to optimise its deployments to meet the demand and has seen a significant improvement in its operations. At our borders, the Agency is now processing over 12 million people a year.

535 Following the amendments introduced to the Immigration, Asylum and Refugee Act, allowing Moroccan nationals in possession of Schengen visas to enter Gibraltar, the Agency has to date processed 1,549 Moroccan nationals as part of the Government's Tourist Visa Waiver initiative. Given the success of that initiative, I am delighted to be able to tell the House today that work is now very advanced indeed in formalising arrangements for visa waivers in respect of Schengen multiple-entry visa holders who are nationals of Brazil, Russia, India, China and Japan.

540 The Agency continues to operate a fine balance between risk and the need to maintain fluidity, and to mitigate this risk balance the Agency has introduced, in the past months, biometric data passport and ID card scanners at all of our entry points, as well as other security measures, thus allowing them to interrogate documents and share information with international agencies, including Interpol, HMG's Home Office and the UK Border Force. It has established and continues to develop a close working relationship with these agencies, and in particular is in regular contact with the UK Border Force, studying how best to share information, develop specific points of contact, and identify work-placement attachments. The Agency is fortunate to have very professional and flexible staff that strive to provide a professional and operationally focussed output and remain committed to improving the service they provide for Gibraltar.

545 More particularly, at the Civil Status Department, at the request of the Senior Citizens' Association, arrangements have been made to introduce a one-stop shop at a central location in Gibraltar, which will not only enable the registration of births and deaths, but will also assist those who require it to transact changes to other benefits or services to which they may be entitled at the same location.

550 The process of naturalisation as British citizens has also been unjammed. A total of seven citizenship ceremonies have been held since April 2012, at which 494 individuals have been made British citizens – 363 of whom are Moroccans and 131 of other nationalities. I think I should have said *were* Moroccans, Mr Speaker.

560 Mr Speaker, during the course of the last year, the Government's decision to consolidate the European and International Department, known as the EUID, and the LSU has continued to bear fruit. The department recruited five new law drafters last year. I am glad to confirm that, after completion of their year of probation, all five have been confirmed in their positions. The department now employs 10 lawyers, double the number when we were elected, largely devoted to the drafting of legislation, both domestic legislation and the transposition of EU and international obligations.

565 The addition of the LSU to the EUID has ensured a seamless process whereby the drafting of all legislation and its publication in the *Gazette* are carried out by a team working closely together and under the same roof. The administrative side of the department now counts 12 officials, ranging from SEOs to word processor clerks. The department, as Members will know, is ably headed by the Government's Chief Legal Adviser, Michael Llamas QC.

570 As the House will recall, in February of this year I was able to announce that the Gibraltar Government was finally fully up to date with the transposition of all EU Directives pending. This was a truly defining moment for Gibraltar and it has served the Government well in numerous contexts, not least in my visit to the EU institutions in March of this year, including those meetings with the Code



575 Group technicians that I referred to during the course of my Ministerial Statement earlier, and the recent private meeting I attended with the Prime Minister and the leaders of Crown Dependencies and Overseas Territories, where as a result of this investment I was able to boast of Gibraltar's culture of compliance. I am glad to be able to say that Gibraltar can hold its head up high and be proud of a transposition record that many Member States can envy.

580 It is with an equal measure of satisfaction that I can also announce today that we have maintained the rhythm of compliance since then and that the drafters at the EUID are now regularly drafting the transposition of EU Directives whose transposition deadline is several months ahead. This is truly remarkable and positive progress, considering where we stood only a couple of years ago.

585 In addition, the department continues to advise all Government Departments and Ministries on a regular basis and over the full spectrum of Government business. The EUID also remains the main contact point with FCO officials in London on EU and international legal matters, with whom it works on a daily basis. The working relationship is excellent.

590 Mr Speaker, the House will be aware, from the advertisement of posts recently published, that I have given authorisation for the recruitment of three further legal assistants at junior level with a view to developing the advisory work provided by the EUID. All of this is consistent with my continued aim to expand and develop the role of the EUID and LSU to encompass all of the Government's legal service with the exception of public prosecutions, which will remain with the Attorney General's Chambers. I can only see the role of the consolidated EUID-LSU department going from strength to strength, providing a streamlined and professional legal service of the highest quality to the Government.

595 I turn now, Mr Speaker, to my responsibility for broadcasting and the media – a portfolio that I have been involved with since I was first elected to this House a decade ago.

600 Mr Speaker, one of the issues that I always think it is important to review in this debate is the health of the print media in Gibraltar. The world of news is changing, Mr Speaker, at a vertiginous pace. The most established newspapers in the world are having to face these changes: *The Times* has disappeared behind what is known as a 'pay wall' on the internet and the popular weekly *Newsweek* has abandoned print and is now only available as an online publication. And this challenge is also, no doubt, facing local print media in equal measure: *Vox* is now exclusively an online publication; the two dailies, *Panorama* and the *Chronicle*, both have printed editions and lead articles provided online also; the *New People* boasts a printed edition and not much by way of an online presence; whilst *Gibsport* remains a print-only publication.

605 Mr Speaker, these commercial issues are clearly challenges which we must ensure do not deprive our community of the journalism which is as essential a part of our democratic process as the work that we all do in this House. In terms of advertising revenues, the financial year to date has seen the sum of £32,882 paid to newspapers, of which £32,402 has been paid to the *Chronicle* to date. As I indicated in the course of the debate on parliamentary reform, this information is now uploaded to the Government website monthly so that the public has unimpeded access to it and they will be able to see that different newspapers invoice Government at different times, and that is why the sums may seem disproportionate at times.

615 In terms of broadcasting – in particular, public broadcasting, Mr Speaker – the past year has been significant for GBC, where a major investment has at last been made in upgrading obsolete analogue technology with the latest digital systems capable of broadcasting in HD – high definition. As viewers will be aware, this has not come without its problems. These have been mainly due to the urgency with which the installation was required in order for Gibraltar to meet the digital switchover deadline of 1st January 2013. When we were elected in December 2011, no work had been done to meet this essential target, beyond which GBC would be off air, Mr Speaker. Although moving to HD was a separate project, it would have been impossible for GBCTV to continue broadcasting after that date in digital with its 35-year-old analogue technical infrastructure, and there was no point in investing in already obsolete SD, or standard definition, digital technology. The problems have been and continue to be addressed by investment in equipment, employing the additional staff required, and retraining existing employees in a process that is still ongoing.

620 We have also completed a basic refurbishment of Broadcasting House in order to allow the very hardworking GBC staff to work in improved surroundings, although not yet ideal, ahead of GBC's move to new premises in the not-too-distant future.

630 The additional resources made available to GBC have allowed the now obvious improvements to television and radio programming as well as news coverage across all platforms, including online and social media. I am delighted to say that this is starting to make an impact on the public view of GBC, with viewers enjoying more and more local programmes of increasing quality. This year will also see a rebranding of GBC, allowing further improvements to its on-air appearance. GBC promises further new TV formats by way of in-house productions and commissioned shows from independent production companies. It is also planned for Radio Gibraltar to increase the level of programme choice in the next few months.

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640 Mr Speaker, GBC, under its new CEO, Gerard Teuma, and its new board, chaired by Albert Mena, intend to maximise the use of funds it has available to ensure it provides the best possible national TV, radio and online product within the improved, though still necessarily limited, budget it has at its disposal. I pay tribute to the staff at Broadcasting House for having endured very difficult circumstances over many years, and those who are making a huge effort to assist in turning things around for the benefit of Gibraltar's loyal viewers and listeners.

645 Mr Speaker, as announced last year, the new Broadcasting Act has provided GBC with the opportunity to enter into a commercial partnership with influential individuals from the film, music, television, new media and publishing worlds. The company, Gibraltar Entertainment Network (GEN), has been formed, 50% of which is owned by the Corporation. The intention, as I told the House last year, is to build a new industry on the Rock, and I am told, Mr Speaker, that initial reaction internationally to the possibility of using Gibraltar for this purpose has been very favourable indeed.

650 GEN is proposing to build a state-of-the-art studio complex at Europa Point, comprising a large film sound stage, TV production studios, and a high-end audio recording studio among other significant features. The studio complex will likely form part of the area which is earmarked to include the new UEFA-standard National Football Stadium building for the GFA. Most of GBC's operations will also be housed in this new studio facility, thereby exposing our Gibraltarian media professionals daily to international standards – something that can only be of benefit to local broadcasting.

655 The new home for GBC News will be the Cool Blues building within the Ince's Hall complex, providing the flexibility to record and transmit events staged in the John Mackintosh and Ince's theatres – not least elections, Mr Speaker – in addition to GBC's regular productions at Europa Point. This releases the rest of the Ince's Hall area for drama and for a much needed sprucing up. GEN itself also intends to stage significant events in Gibraltar, placing the Rock firmly on the world map for entertainment.

660 The Corporation is confident that, in time, the profits generated by GEN will go a long way towards covering the cost of running GBC, with the consequent benefit to the taxpayer and therefore GBC complying with Government's requirement that it should withdraw entirely from the commercial advertising market where it presently competes with other media.

665 Much has been done over the past 12 months, but the problems at GBC were such that further work is required. In particular, issues such as professional development need to be addressed, so that our young people can confidently choose broadcasting, or the wider media and entertainment industry, as a worthwhile and rewarding career. There needs to be further investment in this area in this year in resources and technology, as well as on the resilience of television transmissions, to ensure that, despite the vagrancies of the various cable networks that operate in Gibraltar, the public is able to enjoy GBC's programming in the best possible quality.

670 Mr Speaker, the Government continues to invest in Her Majesty's Customs, another area of my specific ministerial responsibility. The Department, very ably led by John Rodriguez, is presently awaiting responses from a pre-qualifying questionnaire in respect of the tender for the purchase of four new vessels. Tenders have already been awarded for the purchase of seven vehicles for Customs – five patrol cars and two work vans – and new accommodation is being developed for shift workers and custody suites at Waterport Wharf to enable compliance with the new requirements of our criminal law. Ongoing works to relocate the entry processing unit to the new airport are progressing, as are the ongoing works to redevelop the Four Corners entry point. In this respect, I have been delighted to lead the work for the reform and growth of HM Customs, which is one of the biggest revenue-raising departments of the Government and which has not seen any serious investment made in it for many years.

675 The Government is in advanced discussion with the unions about proposals that it will shortly be putting to members of the department regarding all areas of operation and structure in a manner designed to produce a stronger law enforcement agency in this crucial area of Government revenue. I know many officers are very excited about these potential developments. We are working through issues that some have highlighted through their unions, but we are making good progress.

680 This is an appropriate time, Mr Speaker, for me to reflect more generally on my responsibilities for industrial relations. I am delighted to say that I am working closely with all representative bodies in Gibraltar in a manner designed to ensure that reasonableness and responsibility is the order of the day in dealing with union claims. This is manifesting itself in very useful regular monthly meetings with Unite, which ensures that matters are dealt with quickly and not allowed to fester. I had a similar timetable of meetings with the GGCA, which I am very happy to say has been taken over by the Chief Secretary as part of the public sector review. I now meet with the GTA also, when the Minister for Education or they need me to become involved. We have recently settled a number of their longstanding claims, Mr Speaker.

695 Speaking of these important public sector areas, Mr Speaker, as promised in our manifesto, Civil Service pay will increase this year by 2.9% with effect from 1st August 2013, despite the pay freezes in the UK public sector.

In terms of retired civil servants, Mr Speaker, it was a manifesto commitment to reactivate the Widows and Orphans Pension Scheme on a voluntary basis for serving civil servants. We also committed to introduce a new Widows and Orphans Pension Scheme for retired civil servants as an alternative to the Spouses and Children Scheme announced by the previous administration.

Mr Speaker, hon. Members will recall that, shortly after coming into office, the Government amended the Pensions Regulations to give all civil servants who are covered under the Pensions Act the option to commute up to 100% of their pension entitlement. As a consequence of this, a civil servant who dies in service is also eligible for full commutation of his accrued pension on death, as opposed to a 25% commuted pension gratuity, as was previously the case.

To explain that more clearly, Mr Speaker, all public sector employees are currently covered under a group life insurance policy which pays dependants a lump-sum payment equivalent to two years' salary in the event of an employee's death in service. That is *all* public sector employees. In addition to the above, public officers who are covered under the Pensions Act are entitled to a commuted pension gratuity on death in service. Prior to February 2012, such commuted pension gratuity ranged from one year's salary to just over two years' salary, depending on the officer's length of service at the time of death.

Mr Speaker, hon. Members will be aware that the relevant change to the law was made on 9th February 2012 by this Government, when the Pensions Regulations were amended in order to enable officers to opt to receive up to 100% commutation of their pension entitlement under the Pensions Act. The amendment also provided for the commuted pension gratuity payable on death in service to be based on 100% of the pension entitlement, rather than this being restricted to 25%, as was previously the case. The effect of this, Mr Speaker, is that the dependants of public officers who are covered under the Pensions Act and who die in service are now entitled to receive a commuted pension gratuity of between 2.5 years' salary to just over 8 years' salary, depending on the length of service of the officer who dies. This is in addition to the two years' salary payable under the group life policy: a potential maximum 10 years' salary payable to next of kin as a result of the changes that we made to the Pensions Act.

As regards public sector employees who are not covered under the Pensions Act but who have a defined contribution pension scheme, the entitlement on death in service is currently a lump-sum payment of two years' salary payable under the group life policy, plus a lump-sum payment of 100% of the accumulated fund paid into the defined contribution pension scheme.

Mr Speaker, for those public sector employees who are not covered under the Pensions Act, the Government will be increasing the death in service cover payable from two years' salary to three years' salary.

This has meant, Mr Speaker, that the families of serving civil servants are now, therefore, for all the reasons I have said, adequately protected in case of early death in service, making the reactivation of Widows and Orphans Pension Scheme no longer necessary for serving officers.

In respect of retired civil servants, the Government has already confirmed, and I restate here today, that those who opted out of WOPS in the late 1980s will have the choice to opt back in. Let me clarify, Mr Speaker, that the formula for re-entry will require applicants to pay the sum they received when they opted out plus RPI on that sum since then and the contributions that would have been due since then. Government will make a concession that the sum of the WOPS contribution due since the individual opted out will be payable without the application of RPI increases. Only a handful of people have got in touch with the Treasury to seek to be included in this option. To make opting back in easier, a specific e-mail address has been set up, active from tomorrow for enquiries – the address is [wops@gibraltar.gov.gi](mailto:wops@gibraltar.gov.gi). Those wishing to write in to the Treasury to seek to opt back into WOPS by normal mail should address their correspondence to WOPS OPT IN at No.6 Convent Place.

Mr Speaker, I now turn to more specific Budget measures. In line with the Government's manifesto commitment, the following measures are designed to encourage and reduce the cost of doing business in Gibraltar.

Electricity and water charges will not be increased this year, despite the increasing costs of providing these public utilities.

In order to further stimulate the retail sector, in Main Street in particular, and to make Gibraltar a more attractive destination for shopping, and in addition to the Import Duty reductions I made last year, I now make the following announcements of further reductions. To encourage the development of the jewellery industry in Gibraltar, including the finishing off of the jewellery manufacturing process in Gibraltar, Import Duty on jewellery is reduced by 25%, from 6% to 4.5%, and Import Duty on loose gemstones is reduced to zero. Import Duty on mobile phones is reduced by half, from 6% to 3%. Import Duty on sunglasses is reduced by half, from 6% to 3%. Import Duty on all sports equipment and spares and all articles for outdoor games is reduced from 12% to zero. Import Duty on all educational items, including pens, pencils, crayons and students' paints, is reduced from 12% to zero. Import Duty on bicycle spares is reduced from 12% to zero;. Import Duty on artists', students' or signboard paints is also

760 reduced from 12% to zero. Import Duty on fishing rods, fish hooks and other line tackle is reduced from 12% to zero. Import Duty on binoculars and camera cases is reduced from 12% to zero.

765 With effect from 1st July 2013, the discount scheme for early payment of general rates, which was introduced last year for all new companies starting up business in Gibraltar, will be extended to include a 25% discount in the second year of trading. All new companies will therefore be given a discount in their general rates bill of 50% in their first year of trading and 25% in the second year of trading. Those new companies that have already received a 50% general rates discount in their first year of trading since the scheme was introduced last year will also be given a 25% discount in their second year of trading.

770 Mr Speaker, in order to assist working families with the purchase of their homes, as well as those families who may need to move to larger or indeed smaller accommodation as their family composition changes, the threshold of zero Stamp Duty, which currently stands at £250,000 for first-time buyers, will be extended to cover second-time buyers. Mr Speaker, Stamp Duty on transfers of properties between spouses, most often an issue in cases of matrimonial breakdown, is abolished.

775 The Government will also arrange, Mr Speaker, to provide soft loans to residential estates for funding projects that use solar panels within their estates to provide electricity for communal lighting, water heating and the powering of lifts. Approved projects will receive funding which would be repayable in a period of up to 10 years at an effective interest rate of 1% interest per annum, with the Government funding the difference in the cost of finance by way of a grant.

780 In order to assist our community to train for competitive sports, both nationally and internationally, all children in our community who belong to Gibraltar sporting clubs and associations will be given free access to all public sporting facilities, including the King's Bastion ice-skating rink. Such free access will be given to all children under the age of 18 on presentation of their Gibraltar identity card.

The annual pensioners' utility grant, applicable to persons aged 60 and over, will be increased from £75 per annum to £90 per annum with effect from 2013.

785 Mr Speaker, maternity grants and death grants have remained unchanged at £400 since July 2006. With immediate effect, the maternity grant is increased by 50% to £600 and the death grant is also increased by 50% to £600.

790 I turn now to import duties, Mr Speaker. It has recently come to the Government's attention that importers and suppliers of diesel in Gibraltar have been increasing the selling price of this fuel in the market to reflect not only the general increase in the cost of this fuel, but also to reflect the increases in the increased price of diesel in Spain as a result of increases in VAT. However, Import Duty on diesel has not been increased in line with VAT in Spain, and therefore it has been the profit margin of the importers which may have increased as a result. Mr Speaker, in order to restore the importers' and suppliers' profit margins based on current price levels, Import Duty on diesel is increased, with immediate effect, by 6.5 pence per litre to 22 pence per litre. But, in order to encourage the use of Gibraltar by yachts, pleasure craft and all other sea-going vessels, and for local vessels, Mr Speaker, Import Duty on marine fuel is reduced to zero with immediate effect. The system will work as a refund for importers in respect of fuels demonstrably supplied to vessels.

800 Mr Speaker, the Government would like to encourage more online business in the export of goods from Gibraltar. The Government, together with the Collector of Customs, is therefore currently looking into introducing measures whereby Import Duty that has been paid on goods that are re-exported by way of such online business, and where the retailer does not enjoy a bond, can be refunded to such businesses.

805 Mr Speaker, in support of this Government's continuing efforts to discourage smoking generally among our community, and despite the sensitivities in raising the price of this commodity, of which hon. Members are fully aware, Import Duty on cigarettes will increase by 10 pence per packet with immediate effect. Hon. Members will note that Import Duty on cigarettes was raised last year by 10p per packet and was raised again earlier this year by 5p per packet, making a total increase in the year of 25p per packet.

810 Hon. Members will also have noted the Government's decision to ban the retailing of tobacco in residential estates. This is something we had received many representations on from tenants' associations before the Election. We had demarcated Laguna and Glacis as special zones, but the activity has become too ingrained to control other than by this ban, but I want to thank, Mr Speaker, the RGP and Customs for the work they have done and are doing in curtailing activity in these estates and generally throughout Gibraltar.

815 Mr Speaker, in pursuance of the Government's commitment to reduce the level of personal tax for every taxpayer in Gibraltar and the statements I made last year, the following reductions in Income Tax will apply with effect from 1st July 2013.

For those taxpayers who have elected to pay Income Tax under the allowance-based system, the tax rate for the taxable income bracket ranging from £4,000 to £16,000 will be reduced from 30% to 24%, as set out in our manifesto. This measure will benefit approximately 3,800 taxpayers.

All taxpayers under the allowance-based system with earnings of £10,000 or less will not be required to pay *any Income Tax at all*. This will be achieved by extending the Low Income Tax Earners

820 Allowance. This measure will benefit approximately over 2,100 of the lowest-paid taxpayers in our community and I am proud and honoured to be leading the Government that introduces this measure.

Additionally, taxpayers under the allowance-based system will benefit from the following increases in allowance.

825 The Medical Insurance Allowance is increased from £1,500 to £2,000. The purpose of this is to reward taxpayers who seek private healthcare and in doing so relieve the burden on the Health Service.

The Nursery School Allowance is increased from £2,000 to £3,000 per child. This measure is intended to assist working parents with young families.

830 The Blind Persons Allowance is increased from £627 to £3,000. This very significant increase demonstrates my Government's commitment to assist the most vulnerable members of our society.

The Disabled Individuals Allowance is increased from £2,724 to £5,000. Once again, this very significant increase continues to show our support for parents who bear the responsibility of caring for disabled individuals.

The Single Parent Family Allowance is increased from £2,632 to £3,000.

835 The Personal Allowance is increased from £2,812 to £3,000.

The Spouse Allowance is increased from £2,632 to £3,000 also.

For taxpayers currently under the gross income based system, the following measures will be introduced.

840 In order to assist further working families with the purchase of their first-time home, a deduction from assessable income of £5,000 will be made to taxpayers under the gross income based system in respect of approved expenditure incurred towards the purchase of their home during the tax year commencing 1st July 2013. Taxpayers will want to check for themselves whether they should stick to their current choice of GIBS or ABS systems of taxation.

845 In order to encourage saving for retirement by way of employee contributions to approved pension schemes, a deduction from assessable income of £1,000 per annum will be made to taxpayers under the gross income based system in respect of contributions made with effect from the tax year also commencing 1st July 2013.

850 And there are other measures too, Mr Speaker. Taxpayers who were taxed on their commuted pensions due to the enactment of section 6(1)(g) of the previous Income Tax Act, which has since been repealed, will now be refunded the full amount of tax deducted. The Income Tax Office will refund these amounts, on application, by way of an extra-statutory concession.

855 Pensions received by retired members, aged 55 or over, of the Royal Gibraltar Regiment shall be exempt from Income Tax. This measure will apply from the tax year commencing 1st July 2012. Employment income received by instructors of Royal Gibraltar Regiment Cadets shall also be exempt from Income Tax in order to bring them in line with members of the Royal Gibraltar Regiment and the Territorial Army.

860 Following representations made by the Gibraltar Society of Accountants regarding the audit exception level within the Income Tax Act 2010, as already announced during the annual dinner on 6th June 2013, I am happy to formally announce that this level will be increased from £½ million to £1 million, and this will be effective for accounting periods ending on or after 1st July 2013.

865 The aggregate sum donated under the Gift Aid Scheme, previously limited to £1,000, is increased to £5,000. In addition the Government is considering the introduction of a payroll giving scheme locally, which will allow tax-free charitable donations to be made regularly and automatically through employment earnings.

870 Finally, in order to encourage the construction of office accommodation in Gibraltar, such developments on which construction commences on or before 31st March 2015 shall be allowed a capital allowance deduction in the first year following completion of construction equal to 30% of construction costs and the remaining 70% written down over the following seven years. This allowance can be claimed in part or in full, either by the developer or the occupant, up to a maximum claim of the full construction costs. Construction costs are those costs wholly and exclusively laid out or expended in the construction of the office accommodation – including all preliminary planning, design and associated costs, but excluding the cost of the land – in respect of this measure.

875 Mr Speaker, as I reminded the House last year, and will not tire of reminding the House *each* year, the minimum wage was first introduced by the GSLP after we were first elected into Government in 1988, even before the United Kingdom, where the concept of minimum earnings per hour was not provided for in legislation until the first Queen's Speech of the New Labour Government of 1998 – a whole decade later.

880 Mr Speaker, in our manifesto we committed to keep the minimum wage under constant review. The statutory minimum wage was last increased by 30 pence, with effect from 1st August 2012, from £5.40 to £5.70. So, this year, Mr Speaker, the national minimum wage is increased again by 30 pence, from £5.70 to £6.00, with effect from 1st September 2013.

I have no doubt, Mr Speaker, that this measure will be very welcome indeed by workers and their respective representative groups as we bring up the standard of living of the lowest paid in our economy with this measure and the exclusion of many such individuals from the tax net – a double whammy, Mr Speaker, of benefits for those who need it most.

885 As I also said last year, it should not be lost on anyone, Mr Speaker, that the hugely successful Future Job Strategy makes the Government itself the largest single employer of persons now, at last, on the minimum wage. This increase will again therefore also further benefit those on the Future Job Strategy.

890 Finally, Mr Speaker, before I sit down, I want to thank the staff of the Treasury and the Ministry of Finance, including the Commissioner of Income Tax and his staff and the Financial Secretary, as well as the Collector of Customs, John Rodriguez, and his officers, and the Head of Social Security, Tony Sacramento, and his team for their work on this Budget. A few words uttered by a politician in this place as a budget measure, like the ones I have just announced, require many calculations in those Departments to work out cost and affordability; a careful calibration that really engages the teams at the Treasury, Social Security, Income Tax and Customs. I want, in particular, to thank Mr Dilip Dayaram and Mr Frank Carreras for their work with me and my team of Ministers on this Budget.

895 It is also right, of course, that I should thank all public servants of Gibraltar, without whom Government cannot operate. In particular, Mr Speaker, our thanks to you, the Clerk and staff of the House for bearing with us in the process of physical reformation of the Parliament.

900 Again, this year, this is a useful moment to extend a very special acknowledgment also to all the staff of No. 6 Convent Place, especially the team that works on my corridor of the building. For the first full financial year we have worked together they have kept me working, smiling and resolute in the face of any challenge that may cross our nation's path.

905 Today, I want to continue also the tradition I established last year, which I think is fitting in a system of real Cabinet government, of thanking all other members of the ministerial team for their sterling endeavours in the course of this past financial year. It is that work and the work of the civil servants who work alongside us that delivers these excellent results for Gibraltar.

Mr Speaker, I told the House last year that from the moment that the General Election was announced and our candidates declared the team of ten of us then sitting in this House last year had been a real team. We worked as a team and we supported each other as a team.

910 We lost a member of our team this year, and although we hope the people of Gibraltar will fill the vacant seat with another one of my party colleagues, we will never be able to replace Charles Bruzon. Mr Speaker, this has been a very sad year for those of us who sit on this side of the House. Last year, our dear friend and colleague, Mr Bruzon, delivered his first and last Budget address as a Minister. I recall his excitement at being able, after eight long years of Opposition, to get up and deliver a Budget speech about the things he and his team were planning on doing to deliver on our electoral commitments. Sadly, this year, he is not with us, and I would simply ask all members and those watching or listening in our community to remember, during this important debate, the contribution that Charles made to the Parliament.

920 He was not the longest-serving Member of this House, nor the most aggressive, but he was certainly among the very best of us and, Mr Speaker, he would certainly be proud to hear me intone that this is a Budget for working families, a Budget that once again provides support for the lowest paid in our economy by increasing the threshold to remain out of taxation and increasing the minimum wage. It provides incentives for greener living in the community and further provides for families of persons with disability by increasing the Disability Allowance. A Budget that delivers tax advantages to a large number of taxpayers and continues to deliver on our manifesto commitment to reduce tax on the allowance-based system, whilst allowing additional targeted deductions for those on the gross income based system.

925 Mr Speaker, this is a Budget that delivers for business too. It keeps the social insurance burden static, which means it is a burden once again, in effect, reduced in real terms by the rate of inflation since it was last raised. Once again, we deliver meaningful Import Duty reductions for the retail industry in Main Street and further reductions for new businesses to encourage entrepreneurs and start-up businesses, whilst at the same time freezing rises in electricity costs, thereby delivering a significant discount in respect of that particular overhead.

930 Mr Speaker, this Budget provides further for pensioners by the exemption of some pensions from tax computations and the creation of a new debenture for senior citizens, and for working families by the creation of the Children's Bond, the increase in the Nursery Allowance and the creation of a Second Time Homebuyers Allowance for those on the allowance-based system and a First Time Homebuyers Credit for those on the GIBS system.

940 And to finally make this a Budget to celebrate and remember: more available cash reserves than predicted – quadrupled from the sum when we took over, without having to raise borrowing limits; a record high reduction in gross debt of 27.5%; a record high increase of Gibraltarians in employment; and a record high surplus. Mr Speaker, a record-breaking Budget of less debt in the context of more

democracy; a record-breaking Socialist Liberal Government. Mr Speaker, a Socialist Liberal Budget delivering social justice for our nation.

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The numbers speak for themselves and I commend the Bill to the House. (*Applause*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

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**Hon. D A Feetham:** Mr Speaker, it is an honour for me to rise to deliver my first Budget speech as Leader of the Opposition.

As we have said in the past, the Opposition will never make political capital against the Government at the expense of this community or without clear foundation in truth or fact. That has been our policy ever since the people of Gibraltar had their say and decided that we could best serve them, at least for the next four years, from the Opposition benches.

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During the short four months that I have been Leader of the Opposition, I have also said that where my party can work closely with the Government for the benefit of the community as a whole, we will do so.

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Within a couple of weeks of my becoming Leader of the Opposition, I moved a motion at this House calling for the Hon. the Leader of the House and I to work closely on the attempts by the Prime Minister of the United Kingdom, David Cameron, to renegotiate UK membership of the European Union. That motion was, of course, approved with amendments and I remain at the disposal of the hon. Gentleman.

Five weeks ago, I made statements that, without resiling from my Party's longstanding position that the new Constitution granted this community the maximum level of self-government short of independence and compatible with British sovereignty, I would be prepared to go to the United Nations as part of a Gibraltar delegation if we could agree a position in substance beforehand.

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On the fishing dispute, over a year now we have been saying that we will support any reasonable solution that the Government brings by way of legislative changes to this House.

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On tobacco nuisance in Government estates, the Government has just done what I suggested that they should do in September of last year, and I have no hesitation in welcoming the policy. Should the Government decide to move forward with its plans in its manifesto – which is *their* manifesto commitment, not ours – of constructing a berth on the east side in order to curb tobacco smuggling on that side of the Rock, they will also find that the Opposition will support that too.

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Mr Speaker, in all this, of course, I am going much further than they did when they were in Opposition – on the United Nations, on the Dr Giraldi Home, for example. They never hesitated to plough their own furrow or to take different or adverse positions in international fora or in the international press when we were in Government.

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That said, Mr Speaker, the Government cannot equate its own interest with the interest of this community, and whilst we will welcome Government policy if it deserves to be welcomed, and we will support the Government if it is in the interests of this community, our job is to hold the Government to account, and that is what we intend to do during the currency of this Parliament.

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Thus, whilst we welcome, Mr Speaker, some of the measures that he has announced today – for example, the reduction in Import Duty in relation to jewellers, or the reduction in Import Duty on educational items; and indeed the continuation of the policy that we had introduced in our 16 years of Government of increasing the minimum wage and also reducing taxes – we continue to have very real concerns indeed about the ability of the Government to deliver on its manifesto commitments and their own economic targets over the next four years, for reasons that I will develop during the course of this intervention.

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He has said, Mr Speaker, that these figures will silence his critics. I am afraid that he could not be further from the truth. Nothing that he has said today dissuades me from the very justified criticisms that we have levelled against him and his Party in relation to the inherently flawed and contradictory economic discourse which they pursued at the last Election in relation to public debt and public finances; a discourse, Mr Speaker, that the Chef Minister has made personally his own and which he has repeated on numerous occasions over the past year.

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Mr Speaker, during the last year's Budget session, my Hon. and Learned Friend, Sir Peter Caruana, then Leader of the Opposition, described the 2011 Election as the 'big lie Election', involving not one but two big lies: a big lie about the state of public finances; and a big lie concerning undeliverable electoral promises. It is a theme that was eminently justifiable. It is a theme in which we partly fight this By-election and it is a theme that will loom very large indeed at the time of the next General Election.

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I have to say, Mr Speaker, that the hon. Gentleman captured my interest, and indeed the interest of many others, when he said recently in an interview with GBC's Christine Vasquez that he had, quote, 'cured' any public finance problems he had inherited. The interviewer had asked him what many in Gibraltar are asking themselves, and that is how can he sustain his arguments on public debt and public finance... his criticisms of the previous administration, when the Government is spending money at

1005 current levels. Nothing that I have heard today will lead me to the conclusion, or anybody else, that public  
finances that he inherited from the GSD Government needed curing; still less, Mr Speaker, that he has  
found some miraculous cure for the illness that he himself invented.

1010 The reality, Mr Speaker, is that the hon. Gentleman's position was and remains riddled with  
substantive and presentational contradictions that will catch up with him sooner rather than later – if it has  
not done so already.

1015 Not least, Mr Speaker that public finances were in a ruinous state and that public debt was  
dangerously too high. Today he has said that at no stage, Mr Speaker, did we say that Gibraltar was  
bankrupt. Well, in his first TV appearance to address the nation on 18th January of last year, putting on  
his most solemn face, Mr Speaker, he spoke of – and I quote... direct quotes from the hon. Gentleman in  
that address: 'a serious public debt problem'; 'a serious public finance problem'; 'an impenetrable  
curtain'. He then went on, Mr Speaker, to create the impression – an impression that he reinforced last  
year during his Budget speech – that the Government had found a £100 million black hole. During the  
course of his speech today he has also said that he inherited a precarious cash position of only  
£20 million, which I will proceed, Mr Speaker, during the course of this speech, to disprove.

1020 And yet, Mr Speaker, this was a Chief Minister leading a Party that, at the same time that it painted  
that very bleak economic picture, both before and after the last General Election, also promised  
absolutely everything to everyone. Make no mistake, Mr Speaker, never in the history of General  
Elections has so much been promised to so many, to the extent that throwing all political responsibility  
out of the window, unconcerned about the dangerous and undeliverable expectations that he was creating  
1025 for this community in the long run, the Hon. the Chief Minister must have written to every single interest  
group in Gibraltar, promising to deliver on anything and everything that they wanted at the time.

1030 Mr Speaker, the Party opposite promised approximately £750 million of capital projects, including a  
new power station; over 1,000 new homes, leading to the reduction of the housing waiting list and the  
pre-list; a reduction of the effective rate of Income Tax to 15%; a freeze in rates, rents, electricity; and  
much, much more. Indeed, during the course of today he has announced measures cutting Income Tax.  
He has said that the Government, over the last year, has spent £92 million in capital projects. Over the last  
year, Mr Speaker, he has renewed some of the promises that he made at the last Election; some of them in  
the weeks leading up to this By-election.

1035 Today, under two weeks before the By-election and only 18 months – only 18 months, Mr Speaker –  
after the last General Election, public finances are well enough to allow the hon. Member opposite to  
announce the measures that he has announced today. That comes off the back of announcements in  
relation, Mr Speaker, to a power station that will cost, in anyone's estimate, over £120 million; millions  
on a football pitch, the bulk of which will have to be funded by the Government; millions on the new –  
1040 and by the looks of it, very very unpopular – berths and promenade in the port; the Queens Cinema  
purchase; the Commonwealth Parade, the cost of which the Government has refused to disclose; and  
more importantly, Mr Speaker, for the purposes of this intervention, huge increases in recurrent  
expenditure – £48 million over four years on the Future Job Strategy at £12 million recurrent expenditure  
every single year, a figure that in fact is likely to go up because I had not factored in the increases in the  
minimum wage.

1045 Over £40 million, Mr Speaker, in four years is our very conservative estimate on the expansion of the  
public service since they came to office at over £10 million recurrent expenditure every year. Indeed,  
Mr Speaker, there has been and there is predicted to be next year a significant increase in recurrent  
expenditure – in other words, not capital projects, but year-on-year money that the Government spends.

1050 Mr Speaker, recurrent departmental expenditure for the year ending 31st March 2012 was  
£333 million. Recurrent departmental expenditure, in accordance with the forecast outturn for the year  
ending 31st March 2013 is £372 million, an increase of £39 million per annum from last year to this year.  
The predicted departmental expenditure for the year ending 31st March 2014 is £392 million, an increase  
of £20 million per annum from the end of this year. This means, Mr Speaker, that from the year 2011-12  
1055 to the year 2013-14, next year, recurrent departmental expenditure would have risen by £59 million per  
annum, or £4.9 million per month, and we have not even had the Civil Service review completed yet.

1060 In addition to this, the recurrent contribution to Government-owned companies rose from  
£10.4 million in the year ending 31st March 2012 to £17.7 million in 2012-13, and for those purposes I  
have taken only £10.4 million of the £28 million related to recurrent expenditure because, as we said last  
year, the surplus had been wrongly reduced by setting it off against expenditure that was not recurrent.  
That £17.7 million level is predicted to be maintained in the year 31st March 2014 and represents an  
annual increase of £7.3 million, or a monthly increase of £608,000. Indeed, Mr Speaker, in comparison to  
the financial year ending 31st March 2012, the projected overall recurrent expenditure for the year ending  
31st March 2014 will have risen by £66.6 million per annum, or £5.525 million a month: not figures of an  
economy with a serious public finance problem.

1065 Now, as I do not wish to cover every single Department, this significant rise in Government's  
expenditure is seen almost across the board, and I will just give some very few examples.



The projected figure for travel and entertainment for the year ending 31st March 2013 was £390,000; whereas it has come in at £880,000 – more than double the projected figure.

Private sector legal advice is up from £666,000 in 2011-12 to £1.4 million 2012-13.

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Appendix K gives details of the Gibraltar Culture and Heritage Agency. The culture activities, including National Week events, cost £720,000 plus £500,000 – which is the net cost of the Mega Concert – giving a total of £1.2 million, compared to the 2011-12 cost of £547,841. That is a £650,000 increase over the levels at 2011-12. Mr Speaker, there is nothing wrong with a good party at all, but £1.2 million is an awful lot to spend on parties, and it is certainly an awful lot to spend for a country that had a serious public debt and serious public finance problem only 18 months ago.

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The reality is, of course, Mr Speaker, that either public finances were in a woeful state in 2011 and the Government should have cut its suit to match the cloth that it had at its disposal, which is what most countries in Europe have done with reductions in public expenditure and public services; or it simply accepts that it inherited an excellent economic legacy which enables it to increase public expenditure in this way. *(Applause)*

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Even with, Mr Speaker, that excellent legacy, as I will attempt to demonstrate during the course of this speech by reference to this year's Estimates of Revenue and Expenditure and to statements made by the Hon. the Chief Minister during the Budget last year on how he would fund his manifesto commitments, his economic strategy remains, at best, riddled with inconsistency. What we are not going to do is allow this big lie on public finance to become, in the next two years, his mantra or excuse for not complying with his many individually targeted election promises when it all catches up with him.

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Mr Speaker I now turn to consider economic growth and the funding of Government projects.

Last year's latest figures prepared by the Government Statistics Office indicated that GDP for 2010-11 was £1.05 billion, and the forecast GDP figure for 2011 was £1.137 billion, representing an increase in the economy of 5.1%. Today, the Chief Minister has said that economic growth for the year ending 31st March 2013 was just under 8%.

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Of course, Mr Speaker, Gibraltar is bucking global trends, as it has done since the financial crisis broke in 2007. These figures are therefore good figures and I congratulate the Government, and indeed every professional, employer, employee and business in Gibraltar, for helping Gibraltar buck that international trend. But, good as these figures are in comparative global terms, they are nowhere near the levels of projected economic growth in the GSLP Liberal manifesto of 50% by 2015. It is likely that there will only be, at most, two more budgets prior to the next election.

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I have said it before, Mr Speaker, and I will repeat it today: for the Government to make good on the projected economic growth figures, it needs to get the construction industry moving. Whenever there has been significant economic growth in Gibraltar we have had a vibrant construction industry. My concern, and I know it is shared by many within the industry, is that by the time the Government starts to inject some much-needed activity in the sector through capital projects, some established companies and suppliers dependent on the sector may disappear. Jobs in the construction industry are down, from October 2011 to October 2012, by 1,400 jobs.

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I also urge the Government to consider carefully the terms of some of their tenders for their projects where the Government pays a small percentage of the project costs at the outset and the remainder at the end with no stage payments. What the Government is trying to do, and I understand it, is to make some of these projects as self-financing as possible by making the bulk of their payments at the end, when the properties are sold and the Government itself is paid, but this makes it very unattractive for smaller local companies and ignores the economic realities that banks are unwilling to lend to developers to enable them to fund the cashflow difficulties that they may experience.

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I also, Mr Speaker, remind the Chief Minister that when he was Leader of the Opposition and he was interviewed by Gerard Teuma in May 2011, he said that just as the GSLP had international investors lined up before they won the 1988 General Election, so too did he have international investors lined up if he became Chief Minister. Of course, he never gave details, and that is understandable at the time, but there has been an election, they won it, and I have asked him now on three separate occasions in this House to identify those international investors, and he has declined. He cannot suggest that the *Sunborn* was what he had in mind in 2011, because we know that was a recent development.

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In any event, during his Budget speech last year, the Hon. Chief Minister said this, and I quote:

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'The Government's comprehensive programme of changes and benefits, as outlined in our manifesto, have been designed to be delivered to our community with an economy that will grow from £1.1 billion to £1.65 billion between 2011 and 2015.'

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Mr Speaker, economic growth, even at the rate of 50% over four years, will not provide the Government with the levels of revenue necessary to fund many of its manifesto commitments. There is no direct correlation between economic growth and the funding of capital projects. The latter may be a causal agent of the former in that capital projects contribute to economic growth. Economic growth, of course, may be a manifestation of increased Government revenue – and roughly £½ billion of the

1130 £1.1 billion GDP was revenue related – but simply because your economy grows by 50% does not mean that you will be able to fund all of your capital projects. It is not rocket science. There are limited ways in which a Government can fund its projects. I accept that some may be self-financing, and to some extent the Government is trying to do that in some of its construction projects, but the reality is that most governments in the world fund projects either from cash reserves or by borrowing or by spending Government surpluses.

1135 Mr Speaker, in their manifesto, at page 27, Members opposite said this:

1140 ‘In the same period Government revenue is projected to grow from £400 million to £600 million and Government expenditure projected to grow from £375 million to £525 million. On this basis the surplus for the current year would be £25 million growing to a level of £75 million at the time of the next General Election. In effect, Government revenue is being kept at a constant ratio to GDP and it will grow at the same rate as the economy. Government expenditure growth will be kept below the growth in the economy and limited to an increase of 40% over a 4 year period.’

1145 Effectively, what the GSLP / Liberals were saying at the time of the General Election was that revenue would grow by 50%, at the same level as economic growth, but expenditure would grow only by 40%, leaving a differentiation of 10%.

It is a point, in fact, that the Chief Minister also made during his Budget speech last year, when he said, and I quote:

1150 ‘For this year, Mr Speaker, Government revenues are expected to increase at least in line with GDP growth. However, the Government remains committed to limiting any increases in Government expenditure during our first term in office to below the growth of the economy. That is why we have calibrated expenditure and manifesto delivery as we have.’

1155 Mr Speaker, the forecast outturn for revenue for 2012-13 was £486 million. The estimated forecast revenue for 2013-14 is £487 million, a difference of around £1 million in forecast revenue increase. It will not be lost, Mr Speaker, to hon. Members who have read the Estimate Book, that out of that increase there has been an increase in Import Duty, by the end of March 2013, of some £29 million. Import Duty has gone up from £117 million to £146 million. During that same period, however, the forecast outturn for expenditure for 2012-13 was £449 million and the estimated forecast for expenditure 2013-14 is £470 million, a difference of around £21 million. Growth in expenditure clearly and significantly is projected to outstrip growth in revenue, despite substantial increases in Import Duty, and in terms of future projections it is nowhere near, Mr Speaker, to the projected ratio of 50% growth in revenue and 40% growth in expenditure. That Mr Speaker is a reflection of the high levels of Government expenditure; but worryingly, also a reflection of increases in recurrent Government expenditure, which I have already spoken about.

1165 Mr Speaker, even if the Government grew revenue by 50% and maintained that 10% difference with expenditure – which, as I have stated, it is not... the projections are not in line with that increase – at page 27 of their manifesto, the Parties opposite state:

1170 ‘The annual surplus will be gifted to Gibraltar Community Care in each of the 4 years to allow the charity to meet its current and future costs and build up its reserves so that in the future it will be once again totally independent of Government grants.’

1175 In other words, every last penny of projected Government surplus would be donated to Community Care; and indeed, last year, £35 million was ploughed into Community Care, more than the entire declared surplus of last year.

Mr Speaker, in today’s *Chronicle* – and indeed, the hon. Gentleman has made the point during the course of his speech – he said that we had moved from a position of having very low cash reserves to a position of having high cash reserves; that he had, as I understood it... that the Government only had £20 million in cash reserves in December 2011 and now they have £84 million in cash reserves.

1180 Mr Speaker, as this House will see when I deal with the reduction in gross public debt, the reserves brought forward of £265 million as at December 2011, have actually been reduced to £84.4 million as at 31st March 2013, a reduction of £181 million. There has not been an increase in reserve; there has actually been a reduction in reserves from the position in December 2011. Much has gone to pay off £142 million of the debentures owed by the Government. In fact, it is a net repayment, Mr Speaker, of £104 million, because the Government initially borrowed £38 million when they came into office. But the effect of reducing gross public debt by redeeming Government debentures is that the cash reserves available to the Government have obviously decreased and have decreased substantially.

1185 Mr Speaker, if your cash reserves are down, you will not borrow because you do not want to increase net public debt. If your own budget figures show the projected ratios for increasing Government revenue over expenditure are not being adhered to, because it is obvious that proportionately growth and expenditure is projected to outstrip growth in revenue considerably, but in any event you also promise to donate every single last penny to Community Care, how on earth do they expect to fund £750 million in Government projects without leaving an awful lot of people unhappy, Mr Speaker? Or does the

Government intend to use, for example, deposits in the Gibraltar Savings Bank – which have shot up spectacularly and on which I will say something in due course – to fund those projects?

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Mr Speaker, I now turn to analyse the public debt position. Our position as a Party has been and continues to be that, by all known credible measurement systems, public debt is, and indeed was at the time of the last Election, low. Mr Speaker, as my Hon. and Learned Friend, Sir Peter Caruana, said on numerous occasions, every credible measurement of public debt is based on a correlation between the size of that debt as a proportion of the economy. The UK regards a net public debt of 40% of gross domestic product as a prudent level of public debt. Even the Hon. the Father of the House, Mr Bossano, when he was Chief Minister of Gibraltar in the late 1980s and early 1990s, made statements, recorded in *Hansard*, where he regarded 35% to 40% ratio in relation to the size of the economy as conservative.

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Mr Speaker, net public debt at the time of the last Election was 28% of GDP. If 35% to 40% was conservative in the early 1990s, 28% remains conservative today in an economy that is much more robust and well diversified. The structural weaknesses present in our economy then are not present today. That was an economy in transformation from MOD dependence with a nascent finance centre, no gaming industry to speak of, an undeveloped port and large parts of our land owned by the MOD. Make no mistake: whatever my criticisms of the Hon. the Father of the House, I do credit him with a positive transformation of our economy which will always remain to his political credit. But the point is that if a public debt ratio of 35% to 40% of the size of the economy was conservative then, then 28% remains conservative today.

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At the time of the last Election we also said that you could virtually halve gross public debt by effectively transferring Government debentures which rank as public debt to the Gibraltar Savings Bank where they do not rank as public debt. In other words, invite redemptions of Government debentures, paying for them by using your cash reserves, and then inviting applications to re-issue all or part of them by using the Gibraltar Savings Bank. That is precisely what the Government, in large measure, have been doing.

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Mr Speaker, at the last Budget, as the Hon. the Chief Minister said, the Government estimated that it would reduce gross public debt for the year ending 31st March 2013 by some £67 million. The actual forecast is £142 million. The Government has achieved that, Mr Speaker, that repayment, not by some economic miracle but in the manner that I have just described.

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Indeed, Mr Speaker, from answers to Questions 374/2013 to 384/2013 and the Estimates of Expenditure, we see the pattern very clearly indeed. On 11th December 2011, the total value of Government debentures was £321 million, which with bank loans of £200 million gave a gross debt figure of £521 million. As at 31st March 2013, the total value of Government debentures was £175.7 million, which with the bank loan of £200 million gave a gross debt figure of £375.7 million. This has led to an overall reduction in gross debt of some £144.9 million from 11th December 2011 to 31st March 2013.

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Indeed, from 11th December 2011 to 1st May this year – just over a month later – the total value of Government debentures had been reduced by £151 million. During that same period, the total value of debt security issued by the Gibraltar Savings Bank rose spectacularly from £24 million to £272 million, an increase of £248 million from the position when they came into office. Of that amount, Mr Bossano told me that £123.8 million was transferred from Government debentures – after, of course, they had been redeemed from cash reserves.

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We are therefore, Mr Speaker, unable to congratulate the Government on reducing the country's gross debt when they have done it in precisely the way that we said they could do it at the last Election when they systematically sought to scare the people of Gibraltar into believing that our debt was too high. *(Applause)*

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Mr Speaker, I wonder – whether if the combined debt of the Government of Gibraltar and the Gibraltar Savings Bank, which are separate entities but one is owned by the other, were ever to exceed, in notional terms, the legal borrowing limit set if it had all been Government debt – whether the Hon. the Chief Minister would rush to GSLP headquarters to record a podcast condemning the levels of public debt.

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Of course, Mr Speaker, the Gibraltar Savings Bank debt securities do not appear in the Estimates as public debt because it is strictly a debt of the bank, not the Government; but it illustrates the absurdity of simply considering gross public debt as a yardstick, and the ease of manipulation of statistics. The reality is that the only true reflection of a reduction of public debt is a reduction of net public debt.

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Mr Speaker, my Hon. Friend, Sir Peter Caruana, last year described it in this way: he said if you have a bank loan of £1,000 but you also have cash deposits with that bank of £750, although your gross debt – the money that you owe the bank – is £1,000, the net debt is £250 because you have already got cash deposits of £750 to pay off part of that debt.

Mr Speaker, although the Estimates of Revenue and Expenditure show a forecast reduction in net debt of £12.1 million, net debt has actually risen from the position in December 2013. When the Government

1255 first came into Office in December 2011, they inherited a gross debt figure of £480 million, brought-forward reserves of £264 million and a net debt of £216 million.

The Hon. the Chief Minister, during the course of his Budget speech last year, increased the net debt figure by £37.7 million, in accordance with his Party's policy at the last Election to treat a sum equivalent to 10% of recurrent expenditure as available to the Government as a general reserve, giving a gross debt of £518 million, reserves of £265 million and a net debt of £253 million. The net debt figure at 1260 31st March 2013 was £291.3 million. That is a rise of £38 million from the position in December 2011 of £253 million.

Mr Speaker, I do not criticise them for that. Indeed, my predecessor, Sir Peter Caruana, has already said that net debt would have probably increased, had we been elected into office, in order for us to be able to finish off some of the projects that we had embarked upon; but the Government cannot take any comfort, Mr Speaker, in the reduction of gross public debt and there has been no real reduction in net debt since they came into office. 1265

Mr Speaker, turning to the Gibraltar Savings Bank – which I predict will become absolutely pivotal in any debate on public finances and Government expenditure over the next few years – we have been highly critical of the Government in its decision to announce the expansion of services of the Gibraltar Savings Bank in the face of concerns from the local industry, and particularly at a time when bank head offices are conducting reviews of their international operations. All it does is add to the uncertainty locally. I know that he will say to me that nothing has changed at the Gibraltar Savings Bank, but even if that were true – and it is not – bank head offices plan their global operations three or four years in advance. The Hon. the Father of the House, Mr Bossano, has already set out his road map for the Gibraltar Savings Bank in a number of interviews with the media locally. 1270

But, Mr Speaker, for the purpose of this Budget, my point is a different one. I have already sought to show how the Government has shifted Government debentures to the Gibraltar Savings Bank, where they do not rank as public debt. I now want to deal with the use to which the proceeds of the Gibraltar Savings Bank issued debt security may be put. Hon. Members will understand that every time the Government issues a Government debenture – for illustrative purposes I am talking about Government debenture, for example – it is effectively borrowing money at a pre-determined rate of interest which it pays pensioners or savers. It also loses money in the process, because invariably the Government is borrowing at a higher rate of interest than it would receive if it reinvested that money in safe investments with low returns in the money markets. 1275

So, for example, we may have a situation where the Government is borrowing at a rate of 4.5% from pensioners when it issues a debenture and it is then reinvesting the money in Treasury gilts which have a rate of return of less than 1%. The Government is therefore funding the difference, which is effectively a loss to the Government and also a loss to the taxpayer. The GSD Government justified it on the basis that we were helping local savers and pensioners; and indeed, in 2011-12, £480,000 had to be paid from the Consolidated Fund to meet guaranteed interest. 1280

Of course, just as the Government pays an interest cost difference on Government debentures, so too would the Gibraltar Savings Bank, unless the Government intends a different policy in terms of the Bank's investment strategy, or it has made a decision it is willing to take that loss because it is willing to use some of the proceeds to fund some of their projects, or indeed Government companies. 1285

Mr Speaker, when we were in Government, money deposited with the Gibraltar Savings Bank had to be invested, according to section 13.(3) of the Gibraltar Savings Bank Act, in cash deposits or cash deposit equivalent in terms of protection of their capital value. That was the amendment that we introduced in 2008 when we did away with the requirement that the Bank keep a buffer or capital reserve of 10% of all deposits. Indeed, Mr Speaker, hon. Gentlemen opposite may recall that we were highly criticised for that at the time, but we justified it on the basis that, if we amended the Act in order to introduce a requirement that the investments of the Act be in cash deposits or their equivalent, because those deposits were very safe indeed there was minimal risk of capital loss for investors. 1290

In March of this year, the Chief Minister moved a Bill to amend the Gibraltar Savings Bank Act and took out the requirement that the investments of the Gibraltar Savings Bank be limited to cash deposits or their equivalent, but remarkably, given their criticisms in 2008, did not restore the 10% buffer. That is why we voted against the Bill. The importance, for present purposes, is that as a consequence of those amendments we now have a situation where, legally, there is no longer the requirement for the Government to invest Gibraltar Savings Bank deposits, or for the Bank to invest Gibraltar Savings Bank deposits, in very safe forms of investments with low returns. 1300

Mr Speaker I have been observing the Hon. the Minister responsible for the Gibraltar Savings Bank for a very long time indeed. I may not always agree with him, but he has never done anything without a reason. I hope, Mr Speaker, that I am wrong and that the Government is not contemplating using that money to fund its capital projects or Government-owned company expenditure simply because it is committed not to borrow or to donate Government surpluses to Community Care or because its projections of rising revenue and expenditure are out of kilter. The consequences for these annual debates 1305  
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1315

and the transparency of Government finances would be considerable because it would blow a massive hole in the Government's duty to account to this House at Budget time for expenditure, because as we all know, the Gibraltar Savings Bank expenditure is not reflected in the Estimates.

1320 Alternatively, I also hope that the Government is not going to try and recoup any interest rate loss that I have described by allowing the Gibraltar Savings Bank to risk local savers' money by lending that money out to risky borrowers or potential investors, or to underpin small business guarantees.

Mr Speaker, I have asked about this. At the May session of Parliament, in Question 384/2013, I asked this:

1325 'Will the Chief Minister please provide a break down showing how the proceeds from Gibraltar Savings Bank Debentures or other debt security outstanding as at 1<sup>st</sup> May 2013 is invested or has been used by the Gibraltar Savings Bank?'

1330 The Hon. Mr Bossano then proceeded to provide me with a schedule entitled 'Savings Bank Fund Statement of Investments on 31<sup>st</sup> March 2012 showing market value on that date'. In other words, he provided me with the position over a year earlier when I had asked him for the position up to 1st May this year. Therefore, Mr Speaker, we do not have details of how the Gibraltar Savings Bank is reinvesting its debt security, i.e. the money that it is taking from depositors, and how it is funding the return of those investments and any loss that it may make in terms of the interest rate differentiation, if indeed it is making a loss.

1335 Mr Speaker, on a number of occasions, the Hon. the Chief Minister has made the allegation that the Government found a financial black hole of £100 million when it got elected. Those allegations have been made repeatedly by the Hon. the Chief Minister, both in Gibraltar and abroad – including Spanish TV, radio, newspapers – regardless, Mr Speaker, of Gibraltar's reputation and the damage to investor confidence. It is, of course, complete and utter nonsense. As my Hon. and Learned Friend,  
1340 Sir Peter Caruana explained last year, this so-called missing £100 million is attributable entirely to the fact that the public debt ended the year higher and cash receipts ended up lower than the Government had estimated at the start of the year.

1345 It has happened before: in 2009-10, it was estimated it would finish the year at £116 million and it ended at £148 million; in 2010-11, £180 million was estimated, when it finished at £216 million. All it takes, Mr Speaker, is for capital expenditure to proceed more quickly than budgeted for, or for capital receipts from the sale of assets to be delayed, or a combination of both to produce this effect. The GSLP Opposition, Mr Speaker, has never criticised that position before in any of the statements that it made during the course of this debate in the past.

1350 Last year, Mr Caruana said, and I quote:

'Delayed asset receipts for the year remain on stream to come in now or in the future.'

1355 Well, Mr Speaker, he was absolutely right. If the hon. Members look at page 143 of the Estimates, actual receipts for last year from the sale of Government properties and other premia amounted to £1.4 million, whereas the forecast outturn for this year is £102 million – an increase of just over £100 million.

1360 The reality is that the GSD, Mr Speaker, left a legacy to the new Government that was a golden economic legacy, which this Government will struggle to match, and indeed are spending. That is why so much effort is spent by the Chief Minister personally, trying to – despite his words on election night at the John Mackintosh Hall not to denigrate that legacy – systematically taint and talk that legacy down. A legacy that has included, Mr Speaker, a repositioning and improvement of Gibraltar's image and repositioning of its reputation abroad, which has provided the foundations for Gibraltar, over 16 years, to grow the economy by 300%; to produce over £200 million in Government surpluses; to increase the labour force jobs in Gibraltar by over 8,000; to decrease taxes, cut taxes across the board, and increase the  
1365 standard of living for all new Gibraltarians across the board.

But perhaps the most eloquent tribute to that legacy are the words of Her Majesty in the citation to my hon. and learned friend's knighthood, and I quote:

1370 '... following a long career in public service including election of four terms as Chief Minister totalling 15 years. He has made an immense and outstanding contribution to the reputation and prosperity of Gibraltar having driven the Territory forward politically and economically during his tenure through a period of transformational change with diversification of the economy and significant advances and achievements in political and community life for the benefit of Gibraltar.'

1375 Mr Speaker, I am grateful to hon. Members for listening to my maiden speech at this Budget speech. (*Applause*).

**Mr Speaker:** The Hon. Sir Peter Caruana.

1380 **Hon. P R Caruana:** Mr Speaker, first of all, before I begin my own short address, can I just thank the House for the congratulations and tributes that it paid me at the beginning – the Chief Minister and the Leader of the Opposition, and indeed Mr Speaker himself – on Her Majesty’s bestowal on me of a knighthood. Frankly, although I am absolutely delighted by that recognition from Buckingham Palace, and indeed from the UK Government more widely, personally I had believed and thought that to be entrusted with the privilege by my own community to lead them politically for 16 years was honour enough. That said, I am delighted with this more outward and more conventional and traditional form of recognition.

1385  
1390 Mr Speaker, it is apparently tradition – I fear that I may have started it when I was over there – for Members to introduce their Budget speeches by marking what number it is in their current office. So I used to say it was my 15th, my 16th Budget speech; the Hon. the Chief Minister has now said it is his second; and indeed the Leader of the Opposition has boasted that it is his first. So I suppose, in the same vein... I am not sure it is an accolade as such, but I think this is the first Budget speech by a backbench Member of Parliament (*Laughter*) in this Parliament. (**A Member:** Hear, hear.)

1395 I was delighted to hear parts of the Hon. the Chief Minister’s speech. I have to say, for a moment I thought there had been some problem with the construction of this wonderful new room and that there was some form of echo built in to it. I have to say that it sounded remarkably like some of my own Budget speeches and I am delighted that he is able to continue delivering such speeches.

I want also to congratulate the Leader of the Opposition for, I think, an extraordinarily articulate and accurate exposure of the Government’s deception, in political terms, of the state of the economy and the use to which it put it for electoral effect.

1400 Mr Speaker, if I could just start by making observations on one or two matters which have been mentioned, I think the Hon. the Chief Minister is right when he says that it is a good day for Gibraltar when the European Union, in the form of its Finance Ministers, meeting as ECOFIN, endorse our tax regime. He did not, of course, mention that it was the culmination, which happens to have happened on his watch, of nearly 10 years of hard work by the GSD Government in putting in place this new legislation, (*Applause*) and that in this transformational new Income Tax regime, which had to be carefully designed not to stabilise the impact of it on our financial services centre, all the eagles that have looked at it in the European Union have found one clause of it, in relation to one relatively minor matter, to object to it. I think that is a huge monument to the care, imagination and diligence with which the GSD Government devised and then deployed the new tax legislation.

1410 Of course, it has to be said that, in extolling the virtues, which I share with him, of the importance for Gibraltar of the fact that this has been endorsed by the European Union – because it has been notified of the measure and it has approved of it – I recall how he used to criticise me back then for having notified the predecessor of this measure to the European Commission. I used to say to him it has to be notified because only with notification comes endorsement that gives economic stability, the predecessor. And when extolling today the virtue of endorsement, he is recognising the virtue of the reason which he then used to criticise of why I notified the predecessor measure.

1420 I should just say this to him. Mr Speaker, now that this step has been taken, albeit that the culmination of it has come on his watch, I think it is now even more incumbent on the United Kingdom and on the European Union to make sure that we are removed from lists on which we do not belong and to make sure that we are not denied any European Union benefit, facility or amenity of value to us economically because some countries choose not to remove us from lists on which we now plainly do not belong. There is now even less excuse, because there was none before... there is now even less than none, assuming you can assume for a moment that that is possible... excuse for not doing that.

1425 The same, Mr Speaker, I have to say applies to the question of catching up with EU Directives. I do not blame him entirely for this. I remember, when we arrived in office in 1996, the same thing happened. There were then things in the pipeline which finished on our watch, and the Government of the day invariably tries to take some credit for it. The hon. Member might more generously have recognised the fact that the previous Government did 95% of the catch-up work in respect of catching up with EU Directives, and that the fact that the last one of the backlog takes place on his watch entitles him to announce it, but not to try and claim credit for the whole of it. But, again, I recognise that it too makes a very positive contribution to the regard in which Gibraltar is held.

1430 Mr Speaker, I would like to say something about the possibility of establishing a locally owned bank. I have to say that I speak entirely for myself as a backbencher. I am not a spokesman for the Party and I do not have a front bench ministerial responsibility. I am not, in principle, opposed to that, the establishment of such a bank. Indeed, it has been in some of our previous manifestos and I did quite a lot of work, of an embryonic sort, to explore the possibility of bringing it about. I think that such a bank has advantages: it is capable of protecting Gibraltar from the sudden non-Gibraltar-related or caused reasons by which some banks might withdraw, international reorganisation; it enables Gibraltar to have a bank whose policies are more tailor-made to the needs of local businesses and local... There are a number of reasons why, Mr Speaker, it is sound policy to have such a bank.

Mr Speaker, but I would make all of that subject to two absolutely, in my view, essential conditions, which were certainly conditions in my mind when I explored the possibility of doing so.

1445 The first is that it could not unfairly compete with established banks in the private sector. Mr Speaker, banks in the private sector are entitled to have a level playing field to the greatest possible extent. They are good employers of many people in Gibraltar. Gibraltar's finance centre and economy could not survive just with one Government or other locally owned bank, and therefore it is important that a locally owned bank, whether or not it is wholly Government owned and regardless of the extent of the shareholding in such a bank – and I was always a proponent of the Government having the smallest possible shareholding in such a bank... but even if it were wholly Government owned, which would not be of itself illegitimate, it has to play in the market place on a level playing field, otherwise other commercial banks, whose decisions to remain in Gibraltar might otherwise come up for consideration, for reasons unrelated to Gibraltar and unrelated to any Government action, might regard it as the last straw.

1450 Secondly, Mr Speaker – and this is crucial to the economic peace of mind of our people and our children and our grandchildren – any Gibraltar-owned bank – which in principle I would hugely welcome, whatever the extent of Government shareholding in it, provided it operates on a level playing field – cannot be under actual direct or indirect political control, either visibly or invisibly. The moment the perception arises that, by the front door, by the side door or by the back door, Ministers have *anything* to do with the affairs of this bank, it is not rocket science to know what will happen over a period of time. Not immediately, but it will become another instrument of political gratification by governments of all colours and of all shapes. And you do not need to look very far: there are models of successful government-owned banks in Europe where this has not happened *because* there has been political arm's length. France is a great example. Many of France's most successful banks have, until very recently, been state owned.

1460 There are also, and much closer to us, examples of the opposite of what happens when banks come under political control and become political footballs and instruments of the exercise of political power. We all know, and the consequences of that is that the taxpayer ultimately has to bail out Government-owned banks, therefore putting in jeopardy the financial interests of our children and our grandchildren. So, it is common knowledge that the difficulty into which Spanish *cajas de ahorros* have fallen into is principally due to the fact that they have had a level of political control at a local level, through their boards and directors, that have led them to make politically motivated, financially unsound, imprudently structured loans, which have ultimately led to them having to be bailed out by the taxpayers of those countries.

1465 There are also, and much closer to us, examples of the opposite of what happens when banks come under political control and become political footballs and instruments of the exercise of political power. We all know, and the consequences of that is that the taxpayer ultimately has to bail out Government-owned banks, therefore putting in jeopardy the financial interests of our children and our grandchildren. So, it is common knowledge that the difficulty into which Spanish *cajas de ahorros* have fallen into is principally due to the fact that they have had a level of political control at a local level, through their boards and directors, that have led them to make politically motivated, financially unsound, imprudently structured loans, which have ultimately led to them having to be bailed out by the taxpayers of those countries.

1470 And so I want to be as potentially supportive of any Government initiative in this field, as I wish to reserve the right to be critical of any such initiative that the Government takes that does not actually – and I do not mean on a fig-leaf basis, I mean *actually* – protect this community from the consequences of both conditions that I have outlined.

1475 Mr Speaker, I would like to say something too – although the Hon. the Leader of the Opposition, I think, has said everything that needs to be said – about debentures and borrowings.

1480 Mr Speaker, I do not know whether the hon. Member, the Chief Minister, wanted to give the impression, when he said that he had reduced the gross public debt... It is really a question of... we have almost changed roles. Before, he used to argue... an economic debate about gross public debt is not meaningful, and he used to ensure that the conversation stayed on gross public debt. Now the roles are reversed. So when he said in his address – and I can think of no other purpose for him to have given it such prominent highlighting – that they have reduced gross public debt by £142 million, I hope that he was not trying to give listeners, who are perhaps less economically well read than Members of this House... I *hope* he was not trying to give people the impression that, as a result, the Government and the taxpayer are £142 million better off.

1485 Mr Speaker, as if to demonstrate the correctness of the stance that I was taking in the political discourse at election time, in fact, if the Government is better off at all, it is about £12 million better off – namely, the amount by which he claims to have reduced the net public debt. The other £42 million, as has been eloquently exposed by the Leader of the Opposition, has simply been brought about by the redemption, using Government cash reserves, of Government debentures, which have then been reissued in the Savings Bank. A perfectly valid reorganisation of Government Treasury arrangements – I do not criticise it – but not one that enjoys the characteristics and therefore the political use to which he has sought to put it.

1490 And then, of course, Mr Speaker, there is the wider point of whether Government debt is being used or may be used – and I want to say something both positive and something negative about this – to pay Government investment expenditure.

1495 Mr Speaker, dealing first with the Government's own borrowings, I think, unless the meaning of the figures, which... I do not think there has been any statement to the House, unless this page 3 now means something wholly different to what it has meant from time immemorial. The position is this: that as we speak, the Government has very significantly greater sums of debentures issued still by the Government –

1505 £175 million; in other words, the ones that have not been transferred to the Savings Bank. It now has a considerably larger amount in debenture debt. Let's recall that the Government raises debt in two different ways: it borrows from the bank – we have got £200 million of that; or it issues debentures. That is Government borrowing too. Somebody walks into the Treasury, says, 'I want to buy a Government debenture of £100,000,' the paperwork is done, and the effect of that is that the Government has borrowed £100,000 from that investor.

1510 The Government now has £175 million of debentures and only £84 million of cash reserves. Therefore, if every debenture holder – which the Government has no reason to fear should happen, and I am about to reassure people they should not be concerned about, but the reality of it is that if all debenture holders now came in cashing their debentures, the Government would not have the cash reserves to do it.

1515 That happened for the first time, actually, albeit to a very small level, on my watch. In my last year in office, I think we were about £10 million... And you can do the same calculation. The debenture holders were about £10 million higher than the cash reserves. But the matter is getting more serious rather than less serious.

1520 Mr Speaker, even when we are talking about this, I do not say that it is illegitimate. Governments all over the world borrow money from their citizens through debentures – in the UK they call them gilts, Treasury paper – and then use it for government expenditure. Indeed, that is the reason why they do it. And if the Government wanted to do that in Gibraltar, it could point to almost every other government in Europe as an example of the fact that there is nothing wrong with it, but he would have to explain to the people of Gibraltar that that change in our cultural history of Government's handling of savers' money was taking place, so that people understand that, for the first time, their savings and the ability of the Government to repay their savings depends on the solvency of the Government, which never used to before when the savings were backed by cash sitting, pound-for-pound, in equivalent value to the value of debentures – an issue which is no longer the case.

1530 I have no doubt that the Government of Gibraltar will remain solvent and that the Government of Gibraltar will be able to pay its debentures, but I would urge the Government, if they have the intention of continuing the present position, that they should at least explain to the people of Gibraltar that these changes are taking place; and if they do, I for one will recognise the normality and the normalcy of that in the context of other governments in Europe and it is just a change that people need to assimilate in their minds when they decide to invest in Government debentures.

1535 A different issue arises on the question of the Gibraltar Savings Bank, because these debentures may be reducing. I suppose the Government will continue to reduce these Government debentures as it can or wants to and will continue to encourage people to buy debentures instead, issued by the Gibraltar Savings Bank. There, the same issue that I have just been speaking to would only arise in the context described by my learned friend, the Leader of the Opposition. Again, historically, when people bought Savings Bank debentures, they were matched by cash or near cash investments held by the Savings Bank, so there was no risk. Somebody was owed money by the Savings Bank, a debenture holder, and the Savings Bank had an equivalent amount of cash sitting somewhere, or a UK Treasury gilt or some other form of readily cashable investment backing that liability.

1545 I have not yet seen anything in any of the published data that suggests that that does not continue to be the case. If it were to be the Government's intention that it should cease to be the case – in other words, and that the Gibraltar Savings Bank, as it could lawfully do, was going to lend money to the Government – the Gibraltar Savings Bank takes money in in debentures and could, if it wants, invest the money in buying debentures issued by the Government or debentures issued by a Government company, or any other way that puts the money spendably, into the hands of the Government. The Gibraltar Savings Bank is a special fund, not subject to any particular rules in that respect or different. If it were the Government's intention to do that, then I think it would be incumbent on the Government to... and I do not say that it is or that it has, because I cannot see it from the figures published, but I think it would be incumbent on the Government to explain to people that that is what it was doing.

1555 I would also like to say something about the growth in recurrent expenditure. Mr Speaker, we have all in Government – me included – presided over annual increases in recurrent expenditure. It is really just a matter of degree and it is a matter of the circumstances in which you do it. It is true that the hon. Member's increase in recurrent expenditure in the last couple of years and that which they threaten in this next one, has really been unusually and extraordinarily high; which, if everything carries on going well and revenue continues to pour in and the economy continues to grow and the Government continues to get much more tax, we might get away with. But there is a risk of increasing recurrent Government expenditure, and that is that if something happens to your revenue you suddenly find yourself with an inability to meet what you have adopted as annual commitment to expenditure, as opposed to spending the money on capital projects, which you carry on doing whilst the surpluses last.

1560 I just want to flag up, Mr Speaker, two issues that I think represent circumstances that we all face collectively, neither of which are the Government's fault, but which I think would indicate the need for a



1565 degree of caution when growing recurrent expenditure in the context that I have just described. Of course  
 I do not mention the third one, which is any interference with existing high sources of revenue, and the  
 hon. Members know what that is shorthand for. But the two that I wanted to mention were threats to the  
 architecture of our gaming industry, which contributes a significant amount of recurrent revenue to the  
 1570 Government through gaming duties, the number of people it employs and therefore the amount of PAYE  
 that it contributes and other means of contributing to Government revenue, and that we simply do not  
 know – although I hope it will be minimal, but we simply do not know – what impact the UK’s changes  
 to its own gambling and gambling taxation regime will have on the extent of the presence of these  
 companies in Gibraltar in terms of... Some of them may go, a lot of them will not, but there may be  
 1575 reduction of this sort of activities they host in Gibraltar, and certainly there may be a reduction in revenue  
 to the Government through taxation.

The other element of uncertainty – which again we do not know how it is going to contribute to our  
 economy negatively, if at all, and therefore financially on the Government revenue – is the momentum,  
 reflected by the rush of Gibraltar Government statements that have recently been made on the subject, the  
 political momentum that has gathered behind tax transparency, international finance centres and things of  
 1580 that sort which will challenge parts of our finance centre and therefore may result in a decrease in  
 economic activity in that regard, even though I subscribe to the underlying thought of the Government  
 that a levelling of the playing field is likely to be net positive for us than net negative for us.

Within that netting there are winners and losers, as with all nettings, and the idea that all sectors of our  
 finance centre will be economically unchallenged in terms of revenue levels and business volumes by the  
 1585 fact that overall we are net better off, is a question mark. It is true that, over time, the levelling of the  
 playing field may give us pole position to exploit new opportunities which will replace any lost activity,  
 but that may take time, and in the meantime there may be an economic impact which may be felt directly  
 by the Government in its revenue, and indeed indirectly by us all in terms of its effect on the economy of  
 Gibraltar.

1590 Mr Speaker, I would like to say something about the floating hotel. I personally am not, in principle,  
 opposed to the idea of a floating hotel, although I think it has two main drawbacks. I think if it is the  
 Government policy that there is an urgent need for a hotel, for additional hotel capacity more quickly than  
 it can be built, then there may be different views across the floor of the House but a floating hotel is  
 certainly one way of dealing with it. Personally, I think the location is wrong. I think that, as someone  
 1595 who has always been an admirer of the extent to which Ocean Village has improved the leisure amenities  
 in Gibraltar, I think it threatens... Although I reserve final judgement until I see it in place, I fear that it  
 threatens to overwhelm physically the locality and spoil the amenity experience of the rest of the Ocean  
 Village facility, but that remains to be seen. So I certainly am not a supporter of the location for that  
 reason, but time will tell whether I am right or wrong.

1600 The other point, which is perhaps more significant, is the extent to which it competes unfairly with  
 existing hotels. In other words, this is a non-long-term commitment. This is somebody who comes to  
 exploit our hotel market and conference market potential, without having to permanently sink money into  
 our community or our economy; because when things go wrong, if things go wrong – I hope they do not,  
 but if things go wrong – they just up anchor and take their investment away somewhere else. To be  
 1605 contrasted with anybody who owns a hotel in Gibraltar, who cannot cart it away the moment that it goes  
 wrong and has to stick to his investment through thick and thin, good times and bad times; and that those  
 who make brick-and-mortar investment in our community, are taking a long-term view and they are  
 making a long-term commitment to our community by investing in things that they cannot take away  
 ever. This does not represent such an investment. It may serve a temporary purpose that the Government  
 1610 has identified, but it risks destabilising people’s willingness to sink proper, real, long-term investment of  
 the unmovable kind into our community if they think that they can be competed with by somebody on a  
 disposable basis – brings the investment in and then takes it out when the going gets tough.

1615 Mr Speaker, I think that with all of these things the Opposition performs two roles. The first is to hold  
 the Government to account for what we know that they have done; but also to hold the Government to  
 account for things that they may not yet have done and to caution on what might be the circumstances or  
 the consequences of the Government doing it or getting it wrong.

1620 My final point is this, Mr Speaker: since I do not think that the Hon. the Chief Minister is  
 disingenuous to the point where he pretends that the great economic wonder that he has spoken to this  
 morning has been created by him in his short 18 months’ reign as Chief Minister, I therefore gratefully  
 acknowledge and accept his extraordinarily positive and complimentary and bullish assessment of the  
 current state of the economy as a very gratifying eulogy of the state in which he *really* found the economy  
 when we left it, and indeed a eulogy to the last GSD Government’s stewardship of it. (*Applause*)

1625 If the hon. Members will permit me, Mr Speaker, one thing I meant to say... I regret that it will not be  
 possible... and I hope Members will forgive me for what might otherwise seem like a discourtesy... that  
 unavoidable commitments prevent me from staying in the House to listen to the speakers that may follow  
 me, and that is normally not an elegant thing to do – them all having heard me – and that my attendances

in the House will be at best sporadic during the next few days due to a commitment that I simply cannot get out of and which was in place before the hon. Member fixed this meeting for Parliament.

1630 **Chief Minister (Hon. F R Picardo):** May I?

**Hon. P R Caruana:** Yes, of course.

1635 **Hon. Chief Minister:** Mr Speaker, I rise because the hon. Gentleman has given way, just before he sat down, to say that we acknowledge that, it is no difficulty. I will send him the parts of my reply that deal with issues that he has raised with me so that he can see exactly why – what he said at the last minute – it was meant as no eulogy or compliment to him, and what we have to fix.

1640 **Mr Speaker:** May I ask the Chief Minister – it is past ten to one; shall we recess for lunch now and come back at three?

**Hon. Chief Minister:** Mr Speaker, I am happy to move the recess for 3 p.m.

1645 **Mr Speaker:** The House will now recess until 3 p.m.

*The House recessed at 12.57 p.m. and resumed its sitting at 3.00 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 7.25 p.m.

Gibraltar, Monday, 24th June 2013

## The Gibraltar Parliament

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*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

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### **Appropriation Bill 2013 For Second Reading Debate continued**

**Clerk:** Second Reading of the Appropriation Act 2013. Budget speeches continue.

20

**Mr Speaker:** The Hon. Dr Joseph Garcia.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, this is my 15th Budget debate in this House and my second one as a Member of the Government.

25

The GSLP/Liberal Government has now been in office for about a year and a half. We were elected on a platform of change. Our pledge was to transform the way in which Gibraltar was governed and to change it for the better. This is what we have started to do.

In just 18 months, a very short period of time, we have given effect to a record number of manifesto commitments. We have therefore moved forward with a programme for Government at a very fast pace. Before I illustrate this point further, I want to expand for a few moments on other matters.

30

The first is that this year marks the 300th anniversary of the Treaty of Utrecht. The House knows that this was a general peace settlement of the whole of Europe which followed the War of the Spanish Succession. The different treaties that were signed on different dates between the different warring nations are often recognised collectively as the origins of modern diplomacy, which gave birth to the concept of the balance of power.

35

It needs to be said that, outside Gibraltar, this is not a Treaty that is generally associated with Gibraltar because it impacted upon many different parts of Europe and each country or region is more concerned about the implications that it had for them.

The Government took a policy decision that 300 years of the Treaty of Utrecht was a historical event that was worth commemorating, but not necessarily something to celebrate. The House knows well that

40 the provisions of article 10 of the Treaty – the one that deals with Gibraltar – have been used by others as  
an excuse to seek to deny or curtail the right to self-determination of the people of Gibraltar. We reject  
this analysis, and those who take this view have not significantly been willing to test it in court to see  
whether the provisions of a document that was signed 300 years ago can act as a bar to the living wishes  
of the Gibraltarians today.

45 The Government will therefore commemorate the event in a number of ways. The first has been the  
exhibition on Gibraltar and the Treaty of Utrecht, which has taken place in the lobby of the European  
Parliament in Brussels. The opportunity was taken to promote Gibraltar and, at the same time, to promote  
our position in Europe; to promote our people and our distinct identity; to promote our history and the  
many facets of our economy. The week-long event, from which I returned on Friday, went very well and  
50 it coincided with a number of follow-up meetings on various EU issues which affect Gibraltar.

On the actual 300th anniversary date of the Treaty – Saturday, 13th July – the Government is planning  
a community event. This will include the setting up of a replica period printing press, which has already  
arrived from the United Kingdom. This will be manned by specialist personnel in period costume and it  
will run off copies of the Treaty of Utrecht. This activity will last for about 10 days and, for the most part,  
55 it will be based in the Gibraltar Museum. A community event outside the Museum has been planned  
around the printing press for this Saturday.

Mr Speaker, given the historical significance of the Treaty and its impact outside Gibraltar, a seminar  
will take place after the summer, in October, to which different speakers from different parts of Europe  
have been invited. The final list of panellists is currently being compiled. A similar event took place and  
60 has been taking place throughout the year in the city of Utrecht itself.

In addition to these events, the House will know that there is now a set of stamps which have been  
issued by the Government and the Philatelic Bureau to commemorate the Treaty of Utrecht. The  
estimated funding for approval for Treaty events, Mr Speaker, can be found at Head 2(19) Treaty of  
Utrecht Commemoration.

65 Mr Speaker, I said earlier that, in the time that has elapsed since we were elected, some of the changes  
we have made are already manifest in many areas of life in Gibraltar. We have become so used to a new  
way of doing things that we take the significance of these changes for granted. We forget what was there  
before and the real impact of the transformations that have taken place.

70 We need look no further than this House. The Opposition now complain that they need more notice of  
meetings; that they have childcare arrangements to make; that they have trips abroad to organise and  
other personal matters of a diary nature to attend to. I understand that, Mr Speaker – I understand it  
perfectly – because for nearly 16 years I lived it. It happened to us. This uncertainty affected not only  
Members of the Opposition but even Members of the then Government, former Speakers, and the staff of  
the House itself.

75 Indeed, my own election to this House in 1999 was a baptism of fire in more ways than one.  
Parliament met until two o'clock in the morning during at least two meetings that I can recall – there may  
have been more. Several meetings went past 11 o'clock at night and many more into the late evening. I  
learnt very early, Mr Speaker, not to make plans when Parliament had been called.

80 This is why I said earlier that it is very easy to take for granted the improvements that the change of  
Government has brought about. There is now an element of certainty in knowing that Parliament will  
meet around Chief Minister's Questions around the third Thursday of the month. There was nothing  
remotely like this before. There are sometimes pressing diary reasons why the House may have to meet  
before or after, but there can be no doubt that this is a vast improvement on the system that we inherited.

85 In a very short period of time, Mr Speaker, the Government has revolutionised the way in which the  
House does business through the increased frequency of meetings. This has happened, as we always  
argued, without the need for a select committee and simply because the new Government had the political  
will to make it happen.

I still remember, Mr Speaker, asking Questions in September of one particular year about events  
which may have happened in March or April. The present system allows the Government to be  
90 questioned in a regular way when issues are relevant. Again, this has never happened before. It is a  
reform that cannot be taken for granted.

Mr Speaker, the Opposition needs to take care when they are critical for the sake of being critical  
because it shows. They complain that Government does not answer Questions. The Government answers  
all the Questions that they ask. They might not like or agree with the answer; that is a different matter.

95 This Government has published more statistical information online, automatically and without being  
asked, than any previous Government in the history of Gibraltar. The Government has made provision for  
letters to be answered in a reasonable period of time. When they were in office, it was not uncommon for  
weeks, months and even years to go by without an answer. It is therefore a nonsense for the Opposition to  
criticise the record of transparency and accountability of the present administration.

100 This Government has done more to promote transparency, accountability and democracy in 18 months than they did when they had the chance over nearly 16 years in office. I am not saying they did not do *anything*; I am saying we have carried out more far-reaching reforms in less time.

105 The GSLP / Liberal Government have taken concrete steps in accordance with the policies spelt out in our manifesto. There is more to come: a Freedom of Information Act has now been drafted; a Referendum Act, designed to give statutory backing to any referenda organised in Gibraltar, is also in the pipeline; a Civil Partnerships Act is now entering the final phase of consultation.

The claims made by the Opposition are absurd in the context of what we have done so far and what we have pledged to do in the rest of this term of office.

110 Mr Speaker, returning to Parliament, the increased frequency of meetings has worked very well. There have been 14 meetings of Parliament for Questions since we were elected. The practice in the recent past was for three meetings after the new Constitution made this a minimum; before that, there were two meetings for Questions in a year; and in 2003 there was only one. Therefore, we have already had more meetings in 18 months than would have been the case under them in the full four years of an electoral term.

115 Mr Speaker, the House knows that more meetings is only one aspect to a series of improvements that we have carried out to the workings of this Chamber. *Hansard* is now produced in a few weeks and not over many months. A timetable is now published to provide a rough indication of who will be answering Questions and at what time. Parliament now enjoys a dedicated website which is updated by the staff of the House. Members of the House, the staff and the media have access to Wi-Fi in the Chamber.

120 The most visible hallmark of the transformation that has taken place is the overhaul and refurbishment of this Chamber after many years of decay and deterioration. This Government took a policy decision to prioritise the reform of Parliament and also to prioritise its physical refurbishment. There is a second phase of refurbishment, which is still to come, which is currently being discussed and which hon. Members will have an opportunity to comment upon when the time comes. The Government has already explained this will include provision for disabled access.

125 These physical changes are important as well. They have come with an integrated digital sound recording and camera system which has allowed for the proceedings of this House to be televised. This is a most important effort to take Parliament into people's homes since the decision was taken to broadcast proceedings over the radio many decades ago. It is yet another reflection of the policy of openness and transparency which is at the centre of the way in which the Government operates, and it is a credit to our policies that we are the ones who have made it happen.

130 Mr Speaker, we promised more meetings and we have delivered more meetings; we promised more resources and we have delivered more resources; we promised new technology and we have delivered new technology.

135 Mr Speaker, the Government has, in just 18 months in office, given effect to over 200 manifesto commitments. This Budget will give effect to, or set the ball rolling on some more.

140 It is true that some of these have simply been a case of honouring pledges made to constituents by the previous Administration. However, many more have required administrative action, others have required legislative action, and most of them have required the provision of funding to ensure that they get underway.

145 Tenders have been issued for housing projects in the Aerial Farm site, in the Europort site and the Coach Park site. The first two have already closed and awards are about to be made very soon. This housing stems from the manifesto commitment to rehouse everyone on the waiting list on 9th December 2011.

The process is underway for the provision of a national theatre on the site of the old Queens Cinema. The small boats marina is already at an advanced stage of preparation. New schools have been announced. Sandy Bay will be saved from the elements. Our beaches are looking better than ever.

150 Mr Speaker, it has taken some time for the Government to give effect to a number of its more substantial manifesto commitments, both in terms of works and in terms of funding. In a sense, it has taken longer than we would have liked. I know that many of us are impatient and cannot wait for the implementation of policies to make their way from the manifesto to the Cabinet, to the Administration and to the physical work on the ground. The reality is that people can now see that this is happening and that the Government is moving, and we are doing this because we want to make Gibraltar a better place.

155 However, Mr Speaker, we are not infallible. We will get some things right but there will be other things that we could have done better. Neither do we claim to know it all. This is why we try to widen the circle of consultation and information that we put into the public domain. However, even after the detailed consultation, there will still be people who will agree with a particular project and with its location, and there will be others who will disagree. We live in a democracy, after all.

160 Before moving on, I now take the opportunity to thank the Clerk and the staff of the Parliament for their enthusiasm in pushing through the Government's reform agenda and for their invaluable assistance in making the reforms that we have implemented such a success. (*Applause*)

165 Mr Speaker, one of the consultees that is now heard in relation to Government projects is the Development and Planning Commission (DPC). This was not the case under the previous Administration. The Government took the policy decision to place its projects before the Commission for guidance and advice only at this stage. The full plans and applications relating to Government projects are already placed online on the Government website. This allows the general public to be kept fully informed and up to date on such developments. It is also a prelude to the commitment of the Government to place the entire planning process online. The work to make this a reality will continue during the current financial year.

170 The Government has already said that the presentation of its projects to the DPC will be given statutory effect in the new Town Planning Act, which is currently at an advanced stage of preparation. However, it is important to emphasise that, even with the existing system, the Commission has been able to make its views known to the Government and the Government has listened and acted on those views. The two most significant examples of this are the decision not to proceed with an additional floor to Moorish Castle and Laguna estates, and also the decision not to proceed with the scale of the reclamation of Marina Bay, which was linked to the *Sunborn* project. It is therefore important to stress that even though Government projects are submitted for guidance and advice, the Government has often acted on the recommendations that have been made. The system has therefore worked very well.

180 The reality is that it has been a huge challenge to organise a public administration in such a way that every corner of the Government machinery is aware that their own projects should now go to the DPC, simply because the system was not used to proceeding in this way. The Chief Secretary has written to all Government Departments, Agencies, Authorities and Companies to officially inform them that the policy of the new Government is that its projects should go before the DPC unless there are serious issues of public safety, urgency or national security at stake.

185 Mr Speaker, the resources of the Town Planning and Building Control Department have been increased. This has come about through the supply of additional clerical support staff and the recruitment of two assistant Town Planners. The latter are both Gibraltarian graduates. Outside the DPC, the two Town Planners are now consulted about Government projects at a much earlier stage when their opinions can be expressed and considered sooner. They have been involved, for example, in the team that was established to consider and evaluate the Rosia Bay expressions of interest and in other proposals made to the Government when these are still at an embryonic stage of concept design. It will be recalled that the Department and its professional staff was totally sidelined by the previous administration.

190 Mr Speaker, the Opposition continue to be critical of the planning policy of the Government, even though their own policy remains, first, to revert to the closed and opaque planning process that existed in the past, and secondly that their Government projects would not go to the DPC at all. I am afraid this gives no credibility to anything that they may have to say on the subject.

200 There have been 20 meetings of the DPC since this Government took office; and all of them, except the first purely organisational one, have taken place in public. The feedback that the Government has had on these meetings from applicants, objectors, the media and others is very positive indeed. It is difficult to envisage that all this used to happen in secret, behind closed doors in a boardroom in Europort, less than two years ago.

205 It has proved very useful for the Commission to have architects and project managers present in its meetings when considering an application. This means that any query or issue can be cleared up on the spot. Indeed, at the last DPC meeting there was another incident which again drove home the value of having meetings in public. An application was being considered for the replacement of slate roof tiles with non-original tiles of a similar kind. The Commission was not clear how the new tiles would look from photographs or designs. The issue was resolved by sending the applicant home for a tile while the meeting continued. When the applicant returned with the tile, it was considered and approved. The fact that the meeting was public allowed this to be resolved in about an hour.

210 Mr Speaker, the Members opposite often urge the Government to be even more transparent and even more accountable. Their arguments simply do not wash when placed against a background of the way in which they conducted themselves in office. These reforms, or other reforms to Parliament and to the planning process, could have been carried out by the hon. Members when they were in Government. They had 16 years in which to do this. All they want to do now is turn the clock back. They have no legitimacy to criticise what we have done.

215 Mr Speaker, there have been over 880 applications considered by the DPC in public since this Government took office. It is significant to note that 92 of them have been submitted by the Government itself. The Building Control Division processed a record number of applications for building control approval during the course of 2012, taking this to a total of 383. This also reflects a record number of approval notices issued last year, which totalled 368, and a record in the number of certificates of fitness issued, which totalled 177.

The Town Planning and Building Control Department is at Head 12 in the Estimates of Revenue and Expenditure, with Parliament being asked to approve an estimated expenditure of £1,074,000 for this financial year.

225 I would like to thank the staff of the Department for their support in implementation of the Government's manifesto commitments. I am also grateful to my hon. Friend and Colleague, Dr Cortes, and all the other members of the Commission who have helped to make the new system work.

230 Mr Speaker, I will now touch briefly on some land issues. I have discovered in the year that being in charge of lands is like supervising the construction of a giant jigsaw puzzle where the pieces do not always fit. It is inevitable that, in a country of our size, something that happens in one part of Gibraltar has a knock-on effect on many others, or indeed that plans for development are held back pending something else happening first somewhere else.

235 The root cause of the problem is simple: there is too much demand for the land that is available. There is demand for offices, for stores, for workshops, for plots, for yards; in short, for almost every conceivable land use. The largest plots available to the Government have already been earmarked for housing. This is the number-one priority.

240 Mr Speaker in relation to MOD lands, the I&DF shows that a total of £10.6 million has been received from the sale by tender of former MOD properties. This is shown in the forecast outturn of Head 102. It is not the final amount, because some sales have been agreed but not completed.

The House will know that, under the Lands Deal of July 2011, the Government is expected to raise £66 million from the sale of these and other properties in order to finance the reprovisioning of the Ministry of Defence elsewhere.

245 The sale of MOD properties has drawn into sharp focus the difficulty encountered by a number of prospective purchasers in obtaining mortgages. This continues to be a matter of concern to the Government. The Government is aware that one such person who wanted to buy in Buena Vista went to see nine different lending institutions. These were both banks and building societies. Two of them have not yet got back to him; two told him they did not offer mortgages; three said their quota was already full up; one said they did not offer mortgages for Buena Vista; and one offered a 50% loan to value only for private customers with £150,000 invested with them beforehand. It is interesting to note that two of the lending institutions informed him that their quotas had been full since December 2012.

250 Mr Speaker, in this context, we appear to have lending institutions that do not want to lend. The Government takes a very serious view of this, given the number of MOD and other properties that remain to be put on the market. There have been a number of instances where the sale of properties have been delayed or where they have fallen through altogether. This is something that needs to be addressed.

255 The Government, Mr Speaker, has so far put out 46 ex-MOD residential units to tender. This comprised 13 units at St Christopher's Court, three in Cheshire House, 13 at Buena Vista, eight at Carter House, and 12 units in Currey and Pelham Houses. The properties were allocated to the highest bidders in all cases. The two large properties in Europa Point – Freemantle House and Napier House – went out to tender, but no bids were received. These are now being held back pending the development of the stadium and studio projects in Europa Point.

260 Mr Speaker, the Government has completed all of the major demolition works needed to allow for construction work to commence in relation to the reprovisioning element of the Lands Deal. We have further refined the MOD requirements for the reprovisioning of certain facilities, and this has allowed us to release a tender for the appointment of designers for the design of all such relocations. In addition, a significant amount of work has been undertaken to some of the properties returned from the MOD to get them into a condition where they could be put out to tender in the first place. This includes, in the main, connection of GOG utilities and meters as well as other essential work to provide to the worst properties in order to bring these up to a reasonable standard.

270 Mr Speaker, the long-term aim of the Government is to renew the Upper Town. One way to do this is to identify empty properties that we own and put them out to tender for redevelopment. The House knows that the Government is in discussions with the successful tenderer for Police Barracks in order to determine how to best take this forward.

275 Mr Speaker, various properties in the Upper Town have also been put out to tender over the last 12 months. There has been a good level of interest in these properties. The tenders for the units in Road to the Lines, Ansaldo's Passage, Richardson's Passage and Chicardo's Passage have raised nearly £¼ million in revenue in total and will also result in the return of the Government flats. The new owners will now redevelop these properties and give new life to the area. This fits in with the project to improve access to a part of the Upper Town through the outdoor escalator in Engineer Lane. It fits in with the policies for urban renewal and it also fits in with the recently announced plans for a first school, a middle school and sports facility on the site of the old St Bernard's. The Government is presently engaged in identifying other suitable properties that can be put out to tender in order to continue with this project.

280 I take this opportunity, Mr Speaker, to thank the management and staff at Land Property Services Ltd and the Lands Office in No. 6 Convent Place for their assistance over the year.

285 I move on now, Mr Speaker, to my responsibilities for civil aviation. I want to start by saying that the  
Government welcomes the position taken by the UK in relation to the inclusion of Gibraltar Airport in the  
new civil aviation measures. This was expressed at the new Aviation Policy Consultative Conference held  
at the Department of Transport in London last month. The forum included the UK Government, the  
Governments of the Overseas Territories and Crown Dependencies. The Minister of State for Transport,  
290 Simon Burns MP, declared that the continuation of Gibraltar exclusion clauses in future EU aviation  
legislation was a red-line issue for the UK. This is in line with public statements that have been made  
already, most recently by the Secretary of State for Transport, Stephen Hammond MP, in a written  
statement to Parliament last week.

295 The Government took up EU aviation issues with the respective Director General during our visit to  
Brussels in March. I was able to follow up some of these issues during a further visit to Brussels last  
week.

The Aviation Conference gave the opportunity for the Overseas Territories and Crown Dependencies  
to be briefed on current UK thinking on a number of aviation-related issues and also allowed the concerns  
of those territories to be raised directly with the UK Government.

300 Mr Speaker, in the three years since European Aviation Security Regulations became directly  
applicable to Gibraltar Airport – in particular, since a move of departures from the old terminal to the new  
one – an enormous amount of work has been undertaken to ensure that the requirements of European  
regulations are now being met. The improvement in standards achieved at the Airport has been  
consistently commented on in post-inspection reports. The move to the new terminal entailed a complete  
305 revision of the security procedures and necessitated the aviation security programme to be redrafted. The  
success of the move, and of subsequent operations, speaks highly of the dedication of the Borders and  
Coastguard Agency Officers in implementing the revised programme.

The decision last year to employ a dedicated Training Officer for the BCA and a Quality Control  
Officer for Gibraltar Air Terminal Ltd has been fully vindicated. These officers have been fundamental in  
ensuring that the new procedures required by the new premises were understood by all staff prior to them  
310 operating in the new terminal. In addition, since the move, they have reviewed the procedures employed  
and have suggested a number of amendments that have been incorporated into working practices.

315 However, the move to the new terminal has brought with it increased demands on the security staff  
through the introduction of new dedicated facilities for staff search, cargo and general aviation. In  
addition, the terminal offers an increased number of screening lines to search passengers. To facilitate the  
use of these, the Government has recognised the need to employ additional staff and has recently started  
training a total of 14 new Borders Agency officers. These officers, the majority of whom are Gibraltarian,  
have undergone initial training and are now undertaking on-the-job training. They will become  
operational in time to meet the bulk of the summer schedule.

320 The recruitment of new personnel will also allow the Agency to create an assistant Training Officer  
position to help teach the annual Immigration and Security Syllabuses. Similarly, the Agency will  
increase the number of Duty Managers to help them better provide 24-hour coverage for the operations  
they oversee in Gibraltar.

325 Finally, Mr Speaker, during the year, the Director of Civil Aviation arranged for a Memorandum of  
Understanding to be signed between the RGP and the UK Air Accident Branch, which effectively sets out  
the division of responsibilities between the two organisations for investigating air accidents in Gibraltar.

Effective bird management throughout Gibraltar, and especially at the Airport by the Airfield Bird  
Management Team, saw only three bird strikes and one near miss reported during 2012. None of the bird  
strikes resulted in significant damage to the aircraft and all were found fit to fly following inspection by  
330 an aircraft engineer.

Finally, Mr Speaker, improved procedures and ground markings have been introduced at the exit on  
the civil apron to prevent runway incursions by aircraft inadvertently entering the runway after passing  
the published holding points prior to having received permission to do so from ATC.

335 Mr Speaker, I move on now to the new air terminal. Departures were transferred on 26th September  
2012 and all operations have been handled successfully in the new terminal ever since. This has only been  
possible thanks to the efforts of all the persons concerned, who have done and continue to do a  
considerable amount of work behind the scenes to ensure that everything runs smoothly.

340 The terminal continues to be operated and maintained by a combination of SLAs and in-house staff.  
The budgeted cost for SLAs is £3 million for the financial year 2013-14. This includes all the different  
electrical, mechanical and IT systems and the ground-handling and cleaning contracts. Work continues to  
bring operating costs down to a minimum, including the installation of extra lighting controls and the  
constant monitoring of all heating, ventilation and cooling systems to ensure that savings are made on  
power consumption.

There has, Mr Speaker, also been a considerable amount of work done by the air terminal IT staff and  
the Government's IT Department with a view to configuring the various IT systems to meet operational



345 requirements. This has included purchasing extra equipment and spares to the value of £56,000 that were not included in the original contract.

The Government continues to actively try and attract business opportunities to the terminal. In this connection, three companies have expressed an interest in occupying the seven remaining retail units in departures and Government is now considering these applications.

350 Mr Speaker, the next phase involves completing the migration of all services and entities out of the old terminal to allow for its demolition and building covered walkways, both landside and airside, which the hon. Member to my right is dealing with, to offer some cover from the elements for airport users.

355 Mr Speaker, I take the opportunity to thank the Director of Civil Aviation and the Air Terminal Director and all the management and staff of the different agencies and companies involved in aviation matters.

I now finally turn to Gibtelecom. Hon. Members are no doubt aware of the theft of around £690,000 committed over the last nine years. This is the subject of a criminal investigation by the RGP. In addition, the company's Chief Executive has commissioned an in-depth forensic audit by the external auditor which, once completed, will be considered by the board. In the circumstances, it would not be appropriate to go into more detail or comment further at this time, and I trust the hon. Members opposite will understand this. However, I can pass on the company's assurance that, while Gibtelecom as an entity has suffered a loss, none of the business customers, suppliers or partners have been disadvantaged as a result of the theft.

360 Setting this aside, it has been business as usual with the company keeping pace with demanding emerging technologies together with competitive pressures. Not only has the company retained its position as the leading communications provider in Gibraltar, but it is making great strides in growing its new overseas business as a global carrier as well as substantial data centre operations in Gibraltar.

370 Overall business turnover increased year on year. Steady growth in the mobile, internet and business enterprise services has given the company a solid foundation on which to develop and continue to invest in infrastructure for the future. Over the last decade, the company has invested some 25% of its revenue in technology and infrastructure. The roll-out of the company's next generation network is now well underway with the deployment of VD SL2 technology and the installation of active street cabinets around Gibraltar. To blend in with the surroundings, Gibtelecom have been working with Government planners to smarten up these cabinets, widening their use to additionally provide tourist and heritage information in places.

375 Mr Speaker, as I reported in my speech last year, the company's substantial project to replace and upgrade its existing computerised system for network records, customer services and billing is on course to be completed in the second half of this year. The European / India Gateway submarine cable activated last year continues to provide Gibtelecom with route diversification and facilitates enhanced direct connectivity worldwide. Gibtelecom's agreement with Vodaphone (South Africa), part of the Vodaphone Group, that we reported on last year has now been completed with other important international deals with communications companies headquartered in Australia, London, Monaco, Singapore and the USA. The partnership with Monaco Telecom is providing Gibtelecom with communications capacity to access the European markets from Monaco to France, thereby helping to further establish Gibraltar as a truly international communications hub.

385 Mr Speaker, in order to better place the company to meet the challenges of developing technology ahead and growing customer expectations, Gibtelecom continues to invest in infrastructure and in people. It is only by taking this holistic approach that the company will be able to satisfy the needs of its various stakeholders and maintain its commitment to provide a reliable and important service to the local community and for Gibraltar's economy as a whole.

390 Mr Speaker, in conclusion now, there is no doubt that Gibraltar has changed much in 18 months and that it has changed for the better.

The Opposition will continue to criticise everything that we have done. They will be critical even if they used to do the same in office. They will be critical even if what is there now is manifestly better than what was there before. This is what everyone expects from them – an obsessive nit-picking criticism of everything that we do. They should remember we were elected to implement our manifesto and not to implement theirs.

400 The Government are confident, Mr Speaker, that the electorate value the efforts that the Government is making in the delivery of our manifesto and we will continue undeterred to give effect to the Government manifesto that put us in office.

I thank you too, Mr Speaker, for your guidance over the last year.

Thank you. *(Applause)*

405 **Mr Speaker:** The Hon. Mr Paul Balban.

**Hon. P J Balban:** Mr Speaker, I stand here today with a larger portfolio to that which I had last year. Although it gives me great pride to have been entrusted to carry forward greater ministerial and political responsibility, at the same time it deeply saddens me and my ministerial colleagues, as I am sure that it saddens all who knew the late Hon. Charles Bruzon. It really should have been him to stand before you today to give an account of the improvements that were either achieved or commenced by him as Minister for Housing. Yet I stand here with great shoes to fill today, delivering a Budget speech as Minister for Housing in conjunction with my other responsibilities for Traffic and Technical Services amidst a contest for his very seat.

Becoming Minister for Housing has changed my outlook on the many issues which affect the core of our population and can have a profound effect on the physical and mental health of individuals as well as the very social fabric that makes up our society at large.

Clearly, leading a social ministry is a totally different challenge to that which I have got used to within Technical Services and Traffic. Here, the truly human factor comes into play, and as Minister for Housing I have become increasingly aware of the complexity surrounding housing issues. These can vary from cases concerning housing applications to those issues which affect existing tenants. Very rarely would we find that two cases are identical, and each person who shares their problem with the Ministry genuinely believes that their particular case is the most deserving. This is totally understandable.

My target is to try to hold interviews on a weekly basis, and here I appreciate the wide breadth of the problems being encountered by many within our community. It comes across very clearly during interviews that most of the problems faced relate to applicants and existing tenants who have suffered as a direct result of the failure to construct homes in a timely manner in the past in order to be able to provide these homes to those who need them now.

Whether through the construction of Government rental accommodation or low-cost homes for purchase, or any other type of accommodation, it is impossible to break the backlog of the housing problem that we are faced with unless there is a clear political will to do so. There are many ways that one can face the acute shortage of homes. Some of these I have already just mentioned, but allowing the present housing stock to deteriorate through lack of maintenance is clearly not the best way to achieve this.

This Government very soon, within its first year of office, started its hunt for old and dilapidated properties which had lain rotting for years, forgotten and unused and a clear target for potential squatters. Many of these have been identified and repaired and returned to the housing stock by using small construction companies that have offered excellent value for money. Just last week, I tasked my staff to physically inspect another large number of buildings, mainly within the Upper Town area, to see whether these could be turned around as housing stock or otherwise offered out for tender.

We will continue with our policy of placing out to tender properties which were left to deteriorate to a deplorable state of disrepair by the former Administration. Many years of neglect, especially within the forgotten estates, and lack of a solid maintenance programme have led to an ever-increasing number of complaints regarding the effects of water ingress and its results, which inevitably mean damp and humidity. Mr Speaker, this should never have been the case. The effects of damp on the health of families, especially the young, have been well documented within the numerous reports we receive on a monthly basis from medical practitioners.

Mr Speaker, not enough homes were built in the 16 years that the GSD were in office. The simple problem that we have is that we do not have enough flats to go round. Yes, the Members opposite did build houses, but there were hardly enough to be able to see real progress within housing lists, and in any case were built too late in their tenure.

We have given a firm and unequivocal commitment to house all applicants that were on the waiting list and pre-list as of 9th December 2011. Furthermore, our commitments far exceed this in also assuring that no-one will need to be on the housing list for longer than three years in the future. Clearly, these targets are aimed towards the end of our first term of office when we complete the first phase of our housing projects.

I am pleased to announce that we have already issued tenders for the co-ownership schemes and flats for the elderly and are already in a position to award these tenders so that construction can commence shortly. This Government, while in Opposition, conducted extensive research as to what local people wanted and preferred by way of housing, and now, as Government, we have put the results of this research to fruition.

We have analysed the mistakes and pitfalls of the past – the limited access for emergency vehicles into the garage of Mid Harbour Estate, for instance: the very vastness of the garage itself, that holds in the region of 500 vehicles parked within, making the garage impossible to secure; a leaking podium causing damage to a number of vehicles; the poor foresight in choosing an inadequate surface for the garage floor, which only met the minimum requirements and renders it extremely slippery, especially during the rains and which has led to numerous accidents; the artistic concept of the wave-style roofs, which although may tie in nicely with the wave concept of the estate, are very difficult to maintain and prevent

470 seagulls roosting on them – they collect water, due to their flawed design, and are causing problems of water penetration. Mr Speaker, I could go on and on, but instead I wish to say that it was our intention to attempt to take all these factors on board when we briefed the tendering companies at the onset, and although it would be foolish to think that we will get everything right, we will most certainly mitigate, as far as humanly possible, to achieve a product that we may all be proud of.

475 Mr Speaker, I have the privilege of being involved and seeing the conceptual plans for the range of properties in the pipeline and I believe that Gibraltar will not be disappointed. Unlike the previous Administration, we are a Government which is very much in touch with its people and I can guarantee you, Mr Speaker, that we will produce the necessary policies in order to achieve the goals which we have set ourselves. I am confident and sincerely believe that we will deliver our commitment of affordable homes. We will very shortly be making an announcement, informing the general public of prices and the criteria applicable in order to qualify for such properties.

480 Mr Speaker, there is a large demand for flats, especially for the elderly, in the style of Albert Risso and Bishop Canilla House. To this end, Her Majesty's Government of Gibraltar is almost ready to award the tender for the construction of these flats. The concept designs for the much-anticipated around 120 flats for the elderly within both the Europort Avenue and the Coach Park sites have ensured, through liaison with both the Ministry for Social Services and the Occupational Therapy Department within the Health Authority, that the layout of these flats will be modern in design, one bedroom in nature, and totally wheelchair accessible. These flats will boast spacious rooms to ensure that wheelchairs may navigate the whole flat with ease. Flats will have accessible bathrooms, with all the facilities to make daily life as simple and user friendly as possible. Once again, we have learned from the construction mistakes discovered, which have been costly to correct, and have listened to the views expressed by our experts, in fields such as occupational therapy, who work in conjunction with the Ministry for the adaptation of these flats.

490 Mr Speaker, I hold regular meetings with each of the established tenants' associations. These meetings are inherent with our style of government, which welcomes feedback in our endeavours. Praise is always welcome, but positive criticism is also invaluable. These meetings are very productive as they reinforce our contact with tenants. Many estates share common grievances such as anti-social behaviour, cleanliness of the estates, together with dog fouling. In these issues we liaise with the Royal Gibraltar Police to try to increase their presence in the area.

495 Mr Speaker, few of us are unaware of the historical number of complaints regularly received regarding the non-reply to telephone calls made to the Reporting Office. I was deeply concerned at this situation, as I am of the opinion that the Housing Reporting Office is an important and essential interface between the general public and the Ministry itself.

500 After thorough research and analysing how best to effect a meaningful improvement to this essential department, I am happy to say that we have managed to address this matter and we now boast a more customer-friendly approach to our clients. We have new members of staff, which in effect has created a mini call centre dedicated to providing an efficient service to the housing tenants. In effect, this has already led to a decrease in the number of persons who attend the counter on a daily basis, many of whom did so as they could not reach the Reporting Office by telephone. We will very shortly be announcing a new dedicated e-mail address to assist persons wishing to submit reports by this method, bringing the Ministry's reporting office in line with today's modern communication methods.

505 Mr Speaker, as promised, the Government has already given effect to its commitment of providing *El Turno* another pre-election commitment which has been fulfilled. We hope to be expanding this service to other Government estates in the near future. Barring some early teething problems, which were to be expected, and thanks to the dedicated team that supervises this service, these have now almost been ironed out. *El Turno* has now been established within Moorish Castle, Laguna Estate, Glacis Estate, Varyl Begg Estate, Mid Harbours, Edinburgh Estate and Alameda Estate.

510 Mr Speaker, following on from the previous mention of anti-social behaviour within estates, there have been a multitude of complaints directly related to tobacco concealments within estates, especially Glacis and Laguna Estates. As already announced, Her Majesty's Government of Gibraltar is committed to targeting these practices in order to curtail this very anti-social behaviour which is causing much distress to the residents of these areas and further afield. Apart from revoking tobacco licences from within the said estates, and as part of the refurbishment programme currently being undertaken within the estates – which I will comment on shortly – we will be placing CCTV cameras in strategic locations within these. These cameras will have a live feed direct to the Royal Gibraltar Police, and in this way we may be able to help reduce the incidence of anti-social behaviour which is plaguing some of our estates.

515 We have received numerous complaints from Mid Harbours Estate, which are very similar to those expressed by tenants of Glacis and Laguna. Here, the underground parking is being used for illicit activities, especially tobacco concealment and other forms of anti-social behaviour. We will also be placing CCTV cameras within this area and looking to the provision of barriers to control the entry and

530 exit to the garage in an attempt to put a stop to these practices. We already work closely with the Royal Gibraltar Police, who have increased their patrols in the area.

Mr Speaker, it is evident that we are a Government committed to our people and to preserving Government housing stock for the future by investing in an unprecedented and unforeseen refurbishment programme for Government estates. Already, scaffolding has been erected, signalling the commencement of this massive investment to our current housing stock. Although we will respect the commitment of the previous Administration to sell to sitting tenants or their children or grandchildren who so wish, as a Government we cannot see the logic behind the decision to sell the Government's entire housing stock had the demand been there, yet on the other hand embark on building more rental housing stock at the same time. If this is not an incoherent policy, then I do not know what is.

540 Mr Speaker, in order to achieve our goals, the Government will work relentlessly. To date, we have commenced external refurbishment of the major estates as well as individual blocks of flats such as Sandpits House. In the meantime, we will continue with the external refurbishment of Alameda Estate and are now approaching the completion of the external refurbishment of Bado's Building. We are tackling the historical backlog of external works which, between April and November 2011, the former Administration did absolutely nothing about; this lack of action being the major cause of the majority of the rain ingress problems affecting many families locally within Government housing estates.

545 The Department will continue to prioritise and organise all bath-to-shower conversions for pensioners and we will also deal with all the Gibraltar Health Authority OT conversions, as we did the moment we came into Government, thereby eliminating the backlog we inherited. This included the replacing of the shower screens at Albert Risso House required by the OT Department, and original design faults put right by this Administration.

550 Mr Speaker, we will take the opportunity to include, as part of the different projects, the provision of new pitch roofs, new double-glazed windows, shutters, and where possible the installation of lifts and the building of access for persons with mobility issues.

555 We will also be considering the environment and use of energy-efficient devices such as solar panels; LED lighting; improved communal lighting; double glazing to reduce the amount of energy required to cool or warm a house; the installation of external thermal insulation; and so on. Hence, our new and existing buildings will become energy efficient.

560 Mr Speaker, apart from these projects and other major works, Government will continue to tackle day-to-day minor maintenance by the Housing Works Agency for all internal defects and the Gibraltar General Construction Company Ltd will tackle all external works. The latter has proved extremely successful since its inception approximately six months ago, and whose responsibility includes the co-ordination and supervision of works carried out by contractors.

565 The waiting time for the cleaning and/or refurbishment of empty flats has been substantially reduced for the benefit of those on the waiting lists. As a result, keys are being handed to tenants in record time.

As promised, we have further successfully reintroduced the allocation of flats on a self-repair basis. This system, which was originally introduced by the previous Administration and later, for no apparent reason, was discontinued, even though it appeared to work successfully following the demise of Buildings and Works and inception of the Housing Works Agency.

570 All of the above is in line with the Government's manifesto commitments to ensure that all Government tenants live in adequately maintained properties for the tenants' enjoyment and for them to safely raise their families in comfort and safety .

575 Mr Speaker, in order to deliver all that has been officially stated by this Government, we will be investing considerable capital amounts for the next three years on works. It is our intention to continue with this level of investment until all the Government estates and individual blocks of flats are brought to the necessary standard. By investing such large amounts of funding, Government is showing its clear determination and dedication to refurbish Government housing stock. We are also glad to confirm that the window replacement contract at Chilton Court which we stated during the last Budget speech, was completed by its target date.

580 Again, as mentioned by my late colleague in last year's Budget speech, a great concern of this Government was the amount of time it was taking to internally refurbish the empty flats available for reallocation. By procuring the repairs by the Gibraltar General Construction Company Ltd, which is working in conjunction with the Housing Works Agency, it has been possible to speed this up substantially. The Agency regularly carries out customer satisfaction surveys by interviewing individual tenants who have had internal works executed within their flats. The Agency takes note of their concerns, but more importantly adjusts as required to improve its overall service, reviewing its funding as necessary.

585 The present Government, in respect of housing, will have delivered, within its first term in office, much more than the previous Administration did within its 15 years in government.

590 Finally, Mr Speaker, by way of a summary, I would like to remind you that it has been this Administration which historically managed to break the back of the housing problem with its vision of

creating that land bank which we still reap benefits from today. This made it possible to be able to build vast quantities of truly affordable homes, which saw an inherited waiting list of over 2,100 applicants in 1988 plummet to near on 400 applicants by the Elections in 1996.

595 When we took office in 2011, after seeing the GSD in government for a consecutive period of almost 16 years, we have once again had to pick up the tab, so to speak, of a waiting list of around 1,600 applicants. It is our intention to once again reverse the trend of escalating housing waiting lists, and we are confident of success.

600 Mr Speaker, I now turn my attention to my responsibilities as Minister for Traffic. As part of this Government's preliminary assessment of parking facilities in Gibraltar, car parks are constantly being monitored in order to allow their maximum usage and hence benefit users at alternative times of the year. This initiative was seen at the Coach Park over the Christmas period and within school car parks during the summer period during school breaks. This successful initiative will be repeated once again this year.

605 Additionally, Government has made various areas available to enable beachgoers to find parking nearer to the beaches. These parking amenities have been provided for beach users at both Eastern Beach and Catalan Bay. The Catalan Bay car park has been made wider than in previous years, resulting in approximately 100 more parking spaces being available. The car park is now open to the public and can accommodate approximately 300 parking spaces. At Eastern Beach, extra parking facilities have been provided by making available part of the reclamation site, which is available via the gate at the south end of the beach.

610 In 2013, Gibraltar Car Parks Ltd has increased its car-parking facilities. Glacis Estate has been converted into a pilot residential parking scheme zone, much to the delight of the local residents. In order to park in the estate, you now need to have a resident's parking permit, thus preventing other non-residents from using the already limited parking facilities. As part of this scheme, we have also introduced limited visitor parking facilities within the estate. This is something that was lacking within the north district parking scheme, namely Laguna Estate. Residents complained of relatives not being able to visit nor tend to their ailing relatives. Her Majesty's Government of Gibraltar is closely monitoring this pilot scheme as part of its Sustainable Traffic, Transport and Parking Plan, which I shall mention later.

620 This year, we will see the opening of Arengos Palace, Engineer Lane and the Governor's Parade car park. In fact, Arengo's Palace has already been opened. These were GSD projects which this Government chose to proceed with as they were well underway at the time this Government took office.

625 Certain much welcome modifications have been carried out to the Engineer's Lane car park by way of installing an escalator which will make the historical inaccessibility of the Upper Town a thing of the past. This has been applauded by the residents of the area. Furthermore, a green roof has been fitted, which will help make an environmental difference – the first of its kind, I believe, in Gibraltar.

630 We have also opened a new small car park at the old Readymix site off Devil's Tower Road. This facility offers a further 35 parking spaces on a free basis, subject to a maximum 30-minute period during the day and no restrictions at night, to allow the residents make use of these.

635 Shortly, we shall also be opening the new car park on the site of the old Royal Gibraltar Yacht Club, which will offer a total of 187 parking spaces. This will be offset by the temporary closure of our car park at the Reclamation Road site during the months of August and September while the annual fair is accommodated on this site.

640 Mr Speaker, as part of the Sustainable Traffic, Transport and Parking Plan, Government is assessing and reviewing blue badge parking bay proposals and hopes to carry out meaningful changes to the issuing of blue badges. Additionally, consideration is also being given to carrying out modifications to the rules for their usage. Moreover, Government, in an effort to support our citizens with mobility problems, has already increased the size of several parking bays to allow better access to individuals with specific needs. Notwithstanding, Government is also considering the possibility of carrying out changes to the medical eligibility criteria to reduce the misuse of these permits.

645 Furthermore, in an attempt to improve on the current criteria for the granting of frontier passes to those persons who have a medical condition, Her Majesty's Government of Gibraltar has assigned this task to members of the Blue Badge Committee, which is the medical advisory panel. Government is confident that these pertinent changes will improve the system for all of its users.

650 Mr Speaker, Government's initiative for the introduction of legislation to ban *quita multa*-type helmets has been a tremendous success and has had positive feedback across all sectors of the community. Now users of motorcycles and mopeds in Gibraltar all wear appropriate protective head gear. This will go a long way to make users safer and reduce the risk of critical injury.

655 However, Government's commitment to further reduce motorcycle accidents will see the introduction of a rear footrest campaign shortly. This campaign will see the toughening of existing legislation to ensure that pillion passengers sit in an appropriate seat and place both feet on adequate and secure footrests, separate from any rider's foot rest. Furthermore, young pillion passengers will only be able to ride on motor cycles if they can sit astride on the seat and are able to position both feet on the foot rests.

Moreover, in an effort to continue to prevent serious injuries and accidents caused by inexperienced drivers, Government has taken the lead and will be introducing new legislation that will see persons born on or before 1st September 1997 who wish to ride a moped or a motorcycle unaccompanied on the road, having to undertake a preliminary motorcycle training course known as motorcycle compulsory basic training (CBT). This training scheme is now in place and will be delivered in house by qualified driving and vehicle examiners from the Vehicle Licensing Department. The CBT will review aspects of riding both on and off the road. This legislation will also see the validity period of a learner's licence increased to 15 months from the date of completion of the CBT itself.

Mr Speaker, the new photocard driving licences are now well established and have been a success. The demand for the issuing of the new photocard driving licence has increased by 70%.

Furthermore, due to the fact that an agreement for the card format of the photocard driving licence was accomplished between the United Kingdom and Her Majesty's Government of Gibraltar, not only has the EU Directive deadline of 19th January 2013 been met, but also, as a result, this has greatly assisted and accelerated negotiations which are long overdue between the Government and the Driver and Vehicle Licensing Agency to supply our professional lorry and bus drivers with tacograph cards. Negotiations for these cards are almost complete and drivers are expected to be able to apply for driver cards in the near future. The issuing of these cards will allow our drivers, driving throughout Europe, to legally and accurately record their activities, retain their own records and produce them on demand to transport authorities throughout Europe. Government is confident that this will put an end to the unfair competition being faced by our transport undertakings locally with respect to drivers from across the border.

Mr Speaker, the use of information and communication technologies as a tool to achieve a better service to the public has led to the installation of counter-top terminals at the DVLD's counters. These machines assist those clients wishing to proceed to process credit and debit card payments.

Furthermore, the multiple-choice user-friendly touch-screen terminals for the computerised theory test are already in place. This approach to learning is helping candidates to gain a better knowledge and understanding of driving theory and results show a better response on the actual practical tests. This new system allows for three theoretical tests to take place simultaneously and allows the Department to increase productivity, which is an integral part of Government's strategy to provide a better service to the customer. Provisions have also been made to allow the computerised theory test to be undertaken in most languages. Reviews are currently being conducted into the use of information technology and other web-based telecommunication technologies to improve and/or enhance further the efficiency and effectiveness of service delivery of the Department.

Mr Speaker, the introduction of training to assist applicants wishing to undertake the new Driver Certificate of Professional Competence (CPC) for bus and lorry theory tests is already showing positive signs towards helping to reduce unemployment by training our resident workforce. This scheme has been so successful that Government has decided to extend it to include those applicants wishing to undertake not only the theoretical side but the practical side of the Driver Certificate of Professional Competence test too. This will ensure that all applicants who complete the training will end up with a complete Driver CPC qualification, allowing them to drive throughout Europe.

Directive 2003/59 EC requires that all bus and lorry drivers must complete 35 hours of periodic training every five years on an ongoing basis to keep driving professionally. This periodic training is delivered via courses that drivers attend over the five-year period. This ensures that their CPC remains valid. The Directive states that all drivers of passenger-carrying vehicles who have obtained their licence prior to 7th September 2008 will need to complete 35 hours of training and have their driving qualification endorsed on their licence by 9th September 2013. This endorsement will be valid until 9th September 2018. Drivers of goods vehicles who have obtained their licence prior to 10th September 2009 need to complete 35 hours of training and have their driver qualification endorsed on the licence by 9th September 2014.

Government, in an effort to ensure that Directive deadlines are met, has acquired the services of a professional and approved CPC instructor to carry out the initial courses. Once a driver's training and qualifications have been brought up to date, it is the Government's objective to train our own officers and deliver these courses in house.

Mr Speaker, looking ahead to 2013 and beyond, I am very satisfied that all the outstanding and relevant European legislation has now been transposed and the Department is working on the administrative and practical procedures for the implementation of this legislation. Parallel to this, the Department is also working on the introduction of some outstanding local legislation.

Finally, the appointment of an innovative Traffic Commission has been a vast success. This Commission has been meeting on a monthly basis for the past 16 months and I am satisfied to state that at present there is no backlog in applications.

Mr Speaker, finally, if I may turn my attention to the Technical Services Department. During the past financial year, the Technical Services Department has been involved with a number of projects covering a

715 variety of areas such as coastal protection works and rock-fall protection, as well as works in relation to their defined responsibilities, such as highways maintenance and works to the main sewer, among others.

On the coastal works side, the main project which Technical Services has been responsible for delivering over the past year is the beach protection and regeneration works at Sandy Bay. Following an extensive technical assessment process, work started on site and is currently progressing well with the northern groin already nearing completion and a start having been made to the southern groin. The beach will have the first phase of regeneration completed in a few days from now to allow the general public to enjoy the area during the summer. Works will continue throughout the summer and, when completed, Sandy Bay will see a major transformation with a wide stable beach, something that has not been the case for a number of years now. In so doing, we will be honouring another of our manifesto commitments.

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725 Mr Speaker, it is very fair to say that this small but popular beach of yesteryear has been neglected, despite complaints and pleas from both beach users in the summer, but most importantly the residents of Both Worlds, who have seen the beach disappear in front of their very eyes. It has been this Government which has had to put a stop to this decay in only its second summer in office in order to restore this beach to its former glory on a permanent basis, so that people may once again enjoy these coastal facilities.

730 Mr Speaker, the Department also successfully completed an area of reclaimed land adjacent to Western Beach for use as a beach car park, thus adding a much-needed facility to this popular beach.

For the incoming year, Technical Services will continue to develop various other manifesto commitments involving coastal works projects, such as the improvement works at Camp Bay and Rosia Bay.

735 Mr Speaker, I will now turn to cliff stabilisation and rock-fall protection projects. Following the award of a tender, the Department started work on site towards the end of the year to clear the rock-fall protection bund at Williams Way. The area had suffered a major rock fall and landslide a few years ago, and even though the bund did its job at the time, it required clearance in order to fully restore the retention capacity of this protection measure should a further rock fall or landslide occur. These works will be completed during this financial year, along with other areas affected by rock falls, as part of the Government's ongoing cliff stabilisation and rock-fall protection programme.

740 Mr Speaker, the highways maintenance programme has continued over the past year with ongoing repairs to roads, footpaths and retaining walls. Resurfacing works have been carried out during the past year to sections of Glacis Road, Rosia Road and the Sundial roundabout, as well as other areas. Major resurfacing of Flat Bastion Road, Europa Road and Cumberland Road has also been completed.

745 The Department continues to successfully manage road closures and diversions on the public highway, both for its own in-house works and for all other utility companies and contractors. It does so in a manner that balances the need to undertake works against allowing vehicles to circulate on our roads with the minimum of obstruction. Road closures are avoided during peak times wherever possible, and after-hours and weekend work is the default condition imposed on contractors in order to minimise inconvenience to the public.

750 As indicated last year, a comprehensive major resurfacing programme has been prepared by the Department, aimed at tackling the underinvestment in road maintenance over the years. This programme will be assessed and an initial funding provision is being made in anticipation of making a start at the appropriate time.

755 Mr Speaker, moving on to sewers, during the past year, work has begun on providing flood-prevention measures along the southern end of Fish Market Road and at Wellington Front. The works to Fish Market Road have now been successfully completed. The first phase of the Wellington Front project has also been completed and the second and final phase is currently undergoing a tender process with completion anticipated during this financial year. Once this is finished, it will mean that habitual flooding in both of these areas during periods of concentrated heavy rainfall will be a thing of the past.

760 The state of Gibraltar's main sewer and stormwater drainage networks continues to be a matter of great concern for the Government, arising from a lack of sufficient investment and neglect in the past. To this end, funding in this year is being provided to initiate the sewers rehabilitation programme with a view to addressing the condition of the network in the short to medium term. Work has already started in desilting a large section of main sewer along Line Wall Road and the project will progressively be extended to other areas.

765 Funding is once again being provided for the purchase of equipment so that the operational ability of the Sewer Infrastructure Section to inspect and maintain the sewerage system can be expanded even further.

770 This is also the case for the garage and workshop, where funding for new equipment has also been provided. They will continue to provide a service to maintain the fleet of Government vehicles, including the refuse-collection vehicles. The situation with the garage and workshop is also under review given the previous Administration's hurried signing of a collective agreement a few weeks before the General Election, which placed them in a Government-owned company as an interim measure that would allow them to receive a 12% pay increase.

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780 Mr Speaker, over the past year, the Department has been tasked with delivering several other projects. The demolition of the ex-Royal Gibraltar Yacht Club premises was completed and conversion of the site into a new car park is currently underway. This will be completed within the next few weeks and will provide an alternative for the car park situated on Reclamation Road which shall be used for this year's fair.

The Department will also shortly be proceeding with the demolition of the old air terminal complex, thus releasing much needed space for other uses.

785 Work continues at pace on the new Commonwealth Park project. Even though this is under the remit of the Ministry of the Environment, it is being driven by Technical Services and is another example of inter-ministerial co-operation. The project is on programme for completion next spring, and when finished will be an oasis in the centre of our city for the enjoyment of all.

790 Mr Speaker, this brings me to a major manifesto commitment under my Ministry, working in conjunction with the Ministries for Public Transport and the Environment in the form of the delivery of a new Sustainable Traffic, Transport and Parking Plan for Gibraltar.

795 Work on this project started during the past year, led by Technical Services who were instrumental in its development. The data-collection stage was initiated early in the year and then progressed to the public service stage, which has only just been completed. As was widely publicised, a variety of surveys have been conducted, ranging from interviews at car parks, on buses and at the roadside, right up to the individual households throughout all of Gibraltar. The results have been extremely positive, with a total of over 12,000 questionnaires having been completed. The project is now moving on to the data-input and analysis stage, from which a traffic and transport model for Gibraltar, as existing today, will be derived from and from where potential options for change to help bring about improvements will be assessed.

800 Mr Speaker, as can be seen, Technical Services Department will, this coming year, continue to deliver on their defined responsibilities, maintaining public infrastructure, and will continue supporting and providing technical input across the board throughout all relevant Government Ministries and Departments in all manner of projects, large and small, in order to deliver on the Government's extensive and comprehensive programmes.

805 Inroads have been made in filling the high number of vacancies that were being carried by the Department when we came into office. There are still a few vacancies left to fill within the Department and the commitment is there to do so as soon as possible, so as to allow the Department to meet its obligations.

810 Mr Speaker, to conclude, I would like to take this opportunity to thank all of my staff in all of my Ministries and related Departments, and to express my sincere gratitude to the people who make up the Ministry for Traffic, Housing and Technical Services, who take their work very seriously – I have seen first-hand their dedication and professionalism, which rarely gets mentioned and is, importantly, appreciated – without whose help it would have been impossible to have achieved so much in the past year.

815 I would also like to thank all those persons from other Ministries who have come together to form that truly inter-ministerial team, especially those involved in the traffic plan surveys, and I would also like to express my thanks to all parliamentary staff who are always at hand to assist.

I would also like to thank the members of the public and staff that make up committees and associations like the Traffic Commission, and the Housing Allocation Committee, which are instrumental in providing me with their advice.

820 Mr Speaker, finally, a special thank you to my personal staff within the Ministry who have worked endless hours to ensure that I may carry out my function and duties as Minister in a diligent and effective manner. *(Applause)*

**Mr Speaker:** The Hon. Dr John Cortes.

825 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the importance that this Government gives to the environment is immense, which makes my job as Environment Minister particularly easy and satisfying, and totally supported by my colleagues.

830 Mr Speaker, this is important in many ways. The environment is not a passing fad, any more than the economy is, and a sound environment is as important as a sound economy. Gibraltar is privileged in that it is making big strides in both. Environmental Governance is a requirement now of international law, and as we increasingly take our place in the family of nations, we have to be increasingly conscious of our duties and responsibilities in this context. Failure to do so will seriously tarnish Gibraltar's name, and moreover, bring substantial fines.

835 Mr Speaker, the reputation of Gibraltar is something of which every Gibraltarian is justifiably proud. We all take great satisfaction when we do well internationally, be it the UEFA acceptance or the success of a Gibraltar team, say, at an international dance championship. Every Gibraltarian, I say, Mr Speaker, with the exception, it seems, of the Members opposite. *(Laughter)* They have characterised their first 18



840 months in Opposition by attacking Government initiatives, even when they have known them to be good for Gibraltar, and even when they have known that their statements could be bad for Gibraltar. And if they have done so without realising, Mr Speaker, then even, and very worryingly, worse.

845 Their spinning of issues to do with fishing, their obfuscation following the Thinking Green Conference, even though they attended and enjoyed it at the time, their unjustified insinuations in respect of a highly significant visit to Washington, their failure to grasp the international significance of the visits of Vice-President Al Gore and Juan Verde to Gibraltar, have all worried me greatly and have made me question the political acuity of the Members opposite, whose performance in these respects has been much more 'rookiesque' than that of this converted gardener.

850 Mr Speaker, this past year has demonstrated an unprecedented level of commitment and work in all areas of environmental management in Gibraltar. The Department is working with more entities both inside and outside of the public service than ever before. Not only are we leaving our mark locally, but internationally as well, as Government officials are increasingly networking and demonstrating our vision and working practices in Europe and within the UK Overseas Territories.

855 I am proud to say that the Department of the Environment officials are finally part of a network with all other Environment Departments in the Overseas Territories. I mention this, Mr Speaker, because for many years, I would attend these meetings as an NGO representative and feel embarrassed that the only Environment Department missing was Gibraltar's. The benefits to the Department from this network are tremendous, as we work and collaborate on projects with the wider international community, and indeed we will provide leadership in many areas.

860 The Department is also taking a more prominent role within EU conferences and working groups with active participation in a number of marine and maritime conferences, the habitats biogeographic process, energy and climate change projects, as well as in the field of air quality.

865 I have myself already held meetings with officials and ministers in the UK Department of Environment, Food and Rural Affairs, the Department of Energy and Climate Change, the Department for Business, Innovation and Skills, the Joint Nature Conservancy Council, the Environment Agency and the Foreign and Commonwealth Office; and in Strasbourg I have met with the Fisheries Commissioner and most of our MEPs and members of various EU Commissions.

This is a truly exciting time to be working in the Environment in Gibraltar, as we strive to lead by example in all things environmental.

870 Mr Speaker, environmental civil servants and advisers continue to be involved in discussion and decision-making at all levels of Government. They not only work for me for but for all other Ministers in this Government and are called upon by my colleagues for input and advice on a regular basis. They continue to be appointed to important committees, including those dealing with legislative change.

875 Home-grown environmental legislation has been neglected for too many years and it is this Government's commitment to ensure that gaps in local environmental management are filled. New policies are being implemented and where necessary, will be included in legislation. This is the case, for example, with the green procurement practices and the newly revised Environmental Action and Management Plan, which was launched last week to meet yet another manifesto commitment. This document exemplifies this Government's commitment to environmental change in Gibraltar.

880 Environmental workshops within the public service are now an annual event in order to provide support for the whole service as we lead by example. The measures introduced to date are working well, and new measures are being discussed continually.

885 Mr Speaker, they say that the proof of the pudding is in the eating and this is indeed the case in the area of green procurement. Not only do members of the Department attend all tender boards but the Department has found that environmental alternatives are now more readily available as evident by their inclusion by prospective tenderers in all tenders regardless of the field or subject.

Building Applications continue to be filtered by the Department of the Environment and they now attend all meetings of the DPC.

Environment representatives are also present in any cross-departmental committee which may arise, as well as in the Government's Projects Committee.

890 Mr Speaker, the recycling of paper, small items of waste electrical and electronic equipment (WEEE) and batteries is finally occurring from all Government Agencies, Authorities and Departments. Furthermore, waste electronic equipment bins, similar to the existing blue, green and yellow bins have been purchased and a trial will commence shortly, placing them in strategic points, thereby making it easier for the general public to dispose of these items in the proper manner. We are asking the public to use these bins, as we aim to increase the number of these pink bins in the not-too-distant future.

895 Waste is an area where we are dedicating a lot of time and effort, as we need to ensure we minimise the impact our waste has on our local and surrounding environment.

Promoting awareness of the need for careful disposal of waste has been and will continue to be one of the subjects covered in the Environment Department's promotional material. The massive success of the recycling campaign featuring 'El Teren' will be enhanced to capture the recycling of other waste streams.

900 Mr Speaker, it is hard to believe that just six months ago, there were no recycling facilities in Gibraltar for cardboard, paper and plastics, once again well behind the rest of the world, the result of a 'couldn't care less' attitude to the environment on the part of the Members opposite, the latter-day self-styled saviours of spider crabs and limpets.

905 The increase in recycling rates as a result of the introduction of paper, plastic and tetrabrik has been greater than what we hoped for, Mr Speaker. So much so, that we are having to increase resources to cope with the services of the bins. It is a great problem to have!

Mr Speaker, in 2012, the yellow bin used for cans only at the time collected a total of 14,620 kilos. In 2013, specifically from January to May, the yellow bin – now collecting cans, plastics and tetra brick – has collected a total of 29,490 kilos, about twice the weight for the whole of last year, in just five months.

910 The green bin, where we deposit glass, collected a total of 126,400 kilos in 2012. In 2013, the figure is already 57,938 kilos.

I must congratulate the Gibraltar public for this great response. Further measures are planned to facilitate the disposal of this waste stream from bars and restaurants, which are still lagging behind. We have to continue our efforts if we are to meet EU targets of recycling 50% of household waste by 2020.

915 The blue bin, used for paper and cardboard, was introduced this year so we do not have a figure to compare it to. This said, I am happy to report that already this year, we have collected 33,430 kilos.

Another waste stream which we intend to include into our recycling scheme is that of domestic cooking oil. It is our intention to start placing orange bins for the collection of waste cooking oil in strategic places around Gibraltar.

920 I am happy to report also that works continue in building refuse-holding facilities, with approximately four to five shelters expected to be done this year.

Further to the report commissioned last year and details of which have been presented in this House, the Government has now entered into the tender process for a waste treatment plant that will include the collection, segregation and treatment of waste streams without incineration. The plant will have to comply with the Best Available Technology and ensure that Gibraltar is as self-sufficient as possible in our waste management. As a result of this, our Waste Management Plan will be updated to reflect the Government's change in waste policy and re-submitted to the European Commission.

925 The Litter Committee, which I set up last year, continues to meet regularly and improvements have already been made in many areas of Gibraltar as a result of the resurrection of this group. Indeed, work is progressing on many fronts in the area of waste and litter management, the fruits of which will become evident in the coming months.

930 Already, through the Litter Committee we have achieved opening of the large items compound at Europa Advance Road seven days a week, increased cleaning of areas, including areas on the Upper Rock, Northern Defences and the tower block lift shafts, increase in level of litter fines and litter patrols by the Environmental Agency and the RGP, and the issuing of a leaflet on waste distributed with water and electricity bills. As from 1st July and thanks to discussions in this Committee, we will be providing facilities for disposal of cooking oil and ink cartridges.

935 Mr Speaker, it is very difficult to pin offenders down, but the issuing of litter tickets has increased. Ten litter tickets were issued in 2012, and 10 already in the first five months of 2013. In contrast, in 2011, only four tickets were issued in the whole year.

940 Mr Speaker, work with non-governmental organisations (NGOs) is increasing and regular meetings take place with Government officials and with me as Minister.

945 Government's commitment to involve the wider Gibraltar in its work continues in this way. Government this year more than ever was involved in supporting the 'In Town Without My Car' event. I have referred also to the involvement of the ESG, with whom we also work in supporting their 'Clean Up the World' campaigns. Similarly, Government is maintaining close contact with the Ornithological and Natural History Society, through regular meetings and discussions on matters related in particular to the natural environment.

950 Resources to the Avian Control Unit will be increased and the Government will continue to assist them in their work in the rehabilitation and captive breeding of birds of prey, both for release into the wild and for use in gull control. Significantly, I can report that the Raptor Rehabilitation Unit, under the expert eye and dedication of Vincent Robba, last year released seven endangered Lesser Kestrels, bred in captivity, into the wild, some of which returned this spring after spending their winter in tropical Africa.

955 Regular meetings have been held with the Scientific Authority and the Nature Conservancy Council, which now perform their true roles as statutory scientific advisers.

960 Another example of community involvement is in our meetings with the Gibraltar Federation of Small Businesses and Chamber of Commerce on a number of issues. These include waste and energy. We have found, Mr Speaker, that commerce in Gibraltar is now more amenable than ever to environmental initiatives. The Chamber of Commerce and the Gibraltar Federation of Small Businesses continue to be engaged and are aware that their members have to work towards introducing greener products and services within the local market, as Government is now procuring on that basis whenever possible.

Mr Speaker, this year has seen the preparation and launch of tenders, which will leave a lasting improvement in Gibraltar's environmental scene. These include the power station tender, the waste treatment facility tender and solar thermal project tenders for certain Government buildings. More tenders will soon be published, including one for providing solar heating to St Bernard's Hospital.

This will result in considerable savings in energy and money. Additionally, progress is being made in discussions to bring about more production of electricity from renewable energy. Never before have so many environmentally innovative projects occurred at the same time. This, Mr Speaker, is our commitment to delivering a sustainable Gibraltar.

The actions taken by this Government in the last 18 months, through initiatives such as the Thinking Green Conference and trade fair, have enabled a range of possibilities and products to become available to Gibraltar and, more importantly, have increased awareness and commitment.

And there is nothing more important than awareness and commitment in the young.

Environmental education continues to be at the top of our agenda, as will be seen in the coming months. Education creates awareness and awareness leads to action, action as individuals and action as a community.

I am delighted to say that we are looking into innovative ways to bring the environment to the forefront and making it more readily accessible to children. As part of our work on e-Government, the Department has recently launched the Thinking Green website and will be producing a 'kids' zone' on this site as well as apps and e-games. All of these will portray local environmental resources which children not only from Gibraltar but from all over the world can download and learn about as they play.

Mr Speaker, this year Government celebrated the ninth anniversary of World Environment Day on 5th June. The purpose of this United Nations Programme Day is to spread awareness of centre stage environmental issues. This year's theme is food waste with the slogan 'Think, Eat, Save.' I must say this is one of the environmental highlights of the year for me: the ever-popular performances by our school children are not only inspiring, but demonstrate that together we can make a difference.

The work done by children, teachers and parents has to be praised. It is very encouraging to see how environmental issues have now become an integral part of the classroom and for this we have to thank the teachers and the officers at the Department. The involvement this year too of world-renowned explorer, Mike Horn, in Gibraltar served to inspire many of our young people. As a result of this, the message continues to come through loud and clear, each year with more energy, enthusiasm and determination.

In the coming year, the Department of the Environment will continue its public awareness campaigns, with a continuation on the one on recycling and a new one on reduction of energy consumption.

Mr Speaker, this year will finally, after nine years of inconclusive work, see the delivery of Geographical Information System (GIS) mapping to the public service. In using GIS to collect data, store, manage, analyse and produce useful information, Government Departments can monitor and map areas under their competence. In the case of Environment, these include many of Gibraltar's natural assets.

As part of our obligations under the INSPIRE Directive, the Department of the Environment has been working with consultants, Technical Services and the IT Department to deliver a digital map of Gibraltar. This map will be viewable by the public through a geoportal which will be launched in the coming weeks. The GIS database will consist of a series of layers that can be overlaid to provide information concerning spatial patterns. A GIS allows a great degree of flexibility to the categorisation and display of data.

As the Government of Gibraltar competent authority for INSPIRE compliance, the Department of the Environment in conjunction with the IT Department have combined efforts and resources to ensure Gibraltar complies with this European Union responsibility. Together with existing work by the GIS Committee, which also includes representation from Town Planning and Land Property Services, the GIS project will enable all Departments to digitise all spatially relevant information to enable better decision-making and update of Government information repositories.

Mr Speaker, last year I announced that Government is promoting the reduction of energy consumption through a number of initiatives. This is a vital element of Government policy. The less we consume, the less we spend, as individuals and as Government, and the less we pollute. It will also reduce the amount of carbon credits that we will now be obliged to purchase. Moreover, we have to meet an EU target of producing 20% of our energy from renewable sources by 2020.

Government has commenced and will continue with a programme to replace public lighting with solar powered devices and/or LEDs, and encourages all citizens to do the same. As part of this initiative, we have for the first time set to quantify our energy profile and have conducted an assessment of our carbon footprint which will shortly be published.

This consumption-based analysis, which uses as a basis the 2011 Family Expenditure Survey, which was based on 2008 data, indicates a carbon footprint for Gibraltar of 15.67 tonnes per capita per year. This is significantly higher than the world average of 5 tonnes per capita, but well within the range of 1 tonne per capita for some African countries to 30 tonnes per capita for Luxembourg. We have, in fact, a carbon footprint higher than Spain, which is 14.44, but lower than the UK, which is 16.99, which is not unexpected.

1025 Mr Speaker, I can neither understand nor believe that in all their years in office, through the period in the Earth's history that this global crisis became apparent and this type of analysis became necessary and crucial, the Government of Gibraltar of the late 1990s and the whole of the first decade of the 2000s, the Government of Gibraltar that had the privilege of seeing in the 21st century, did not have a clue as to what their carbon footprint was. It was a Government that had loitered without vision and been left stranded in the past. This Government, I am proud to say, has confidently jumped one decade in one leap.

1030 Mr Speaker, what this study has shown is that the main contributions to our carbon footprint are transport, food and electricity, and so indicates where we have to make progress – in rationalising transport, as far as possible promoting fresh food and reducing food waste, and reducing consumption of electricity generated by burning fossil fuels.

1035 Mr Speaker, *this* Government's trademark is evidence-based action. Our carbon footprint analysis assists us in taking decisions that will help Gibraltar meet and we hope, exceed European Union targets – targets that are punished with heavy fines of millions, if not met. Not only will these actions reduce our carbon footprint, but they will also lead to a significant improvement in our air quality.

1040 And we are certainly moving in the right direction. The total removal of the three existing power generating stations continue a top priority for this Government, as we have seen. The commissioning of the temporary turbines located at the North Mole, just six months ago, especially when the fitting of silencers and scrubbers is complete, will mean not just resilience in power supply, but much less overall noise and pollution.

1045 As a result of these turbines, Mr Speaker, the South District power stations are now turned off at night, and up to the present, this has meant they have been switched off, since mid-January, for 1,100 hours. That is 1,100 hours' less pollution for residents in the South District. Already the reading of nitrogen oxides in the South District monitoring stations have shown significant reductions in the levels detected.

1050 Mr Speaker, we are serious when we say we will revolutionise the environment for our people. The worst thing, Mr Speaker, is that it has been so easy to do. Where was the Government before December 2011? Was anyone thinking, anyone planning, anyone caring?

1055 Mr Speaker, as is well known, the tender for the new, much more environmentally-friendly power station is out, and this will be a quantum leap into the latest technology and will give us resilience in power in a much cleaner and quieter environment, once and for all putting the residents both of the South District and the Waterport area out of the misery they have had to endure for so long, as we banish another negative legacy into the past.

1060 Mr Speaker, our efforts to mitigate and contribute towards the global fight against climate change led to the honour of Gibraltar being chosen as one of only 21 European cities to be part of the EU Cities Adapt Project, together with major cities such as Birmingham, Barcelona and Rotterdam. Moreover, it was the city chosen to host the second peer review visit for the Project. The conference was a success and Gibraltar showcased our continuing efforts on climate change mitigation and adaptation.

1065 Mr Speaker, this work and other relevant initiatives are all reviewed by the Climate Change Forum, which has not only been reconvened but whose technical advisors have been increased and now meets every two months. As a result of the work and projects I have just mentioned, the Forum will deliver a revised and informed climate change programme for Gibraltar during this financial year.

1070 Mr Speaker, our aim is that our climate change strategy will make Gibraltar a 'Top 5' city in environmental governance.

1075 The water quality monitoring programmes carried out by the Department of the Environment and the Environment Agency continue to be in operation. New requirements under the Water Framework and Marine Strategy Framework Directives are being incorporated into the latter programme. Further developments in relation to the Marine Strategy Directive are expected to take place in the very near future and the Government is committed to meeting and if possible expanding upon the requirements.

1080 The Department has also expanded its groundwater monitoring network to include sampling of groundwater pools within the Rock itself. This work is now being conducted in-house and has thereby reduced the need for consultancy fees.

1085 In line with HM Government of Gibraltar's commitment to improve access to environmental information at our beaches, new beach signs are currently being designed by the Department together with the Environmental Agency. These signs will provide the public with easily accessible information on the characteristics of each beach in Gibraltar, along with further information on the results of the bathing water monitoring programme, which at present are only available online.

1090 Mr Speaker, I am happy to report that works to improve the North Front Cemetery have been progressing. This has included provision of benches and planting of trees. More work is envisaged for the coming year.

Mr Speaker, I have reconvened and expanded the Cemeteries Board, which has now met for the first time in over a decade, and will continue to do so, under the chairmanship of the Reverend David Hoare. I

1085 am also having the legislation governing the Cemetery reviewed and updated. The current Cemetery Act dates from 1889.

Mr Speaker, over the last year we have planted over 100 trees. Trees have been planted at Edinburgh Estate, Alameda Estate, Watergardens and Camp Bay, among other areas. Plans continue to be developed to create new green areas. Protection of trees is another of our manifesto commitments, and we plan to  
 1090 introduce legislation in order to do so more effectively. We have also increased the monitoring in planted areas with a view to delivering more and improving existing green spaces within our urban fabric.

Works on Commonwealth Park, are progressing very well indeed. While Opposition-inspired ginations – saves me using the word ‘spin’ too often – suggest that nothing is happening, a close look will reveal the truth. Services diversions are progressing, designs of the various areas are complete or near  
 1095 completion, foundations for hard-paved areas are progressing, as is the procurement of plants. Even the lawn has been ordered, and the green grass destined for our lawns is already growing in a plant nursery in the south of England.

In keeping with environmental good practice, water for irrigation will be recycled after collection in underground tanks, and much of the soil will be manufactured locally. Mr Speaker, we are working on  
 1100 this project with Mark Gregory, a renowned landscape designer, multiple gold medal winner in the Chelsea Flower Show, and we expect to complete on schedule next spring.

Mr Speaker, last year we took the overdue step of designating the Rock of Gibraltar terrestrial site as a Special Area of Conservation under the European Union. This year will be the year of an expanded and rebranded Gibraltar Nature Reserve, which will see the launch of the Upper Rock Management Plan.  
 1105 Projects are being developed; the Department of the Environment is working closely with the Tourism Department and the Department of Education to deliver big improvements in this largely neglected area.

The Upper Rock Management Team continue with their habitat creation and maintenance of footpaths. Refurbishment work to the Upper Rock sites has already begun, as is evident in the Devil’s Gap Footpath to Town project, now complete, and clearance and enhancement works to other areas such  
 1110 as Devil’s Gap Battery and Tovey Battery continue, as we carry on from the progress achieved last year and move into the next phase in developing the Upper Rock towards its full potential.

The Gibraltar Botanic Gardens at the Alameda continues to develop as a major player in research and conservation in the region, and to promote Gibraltar internationally in these fields. I am pleased to see that now that I have severed my links with the Gardens, they continue to go from strength to strength  
 1115 under their new management.

This year has seen the completion of works to the Alameda Wildlife Conservation Park, funded by Government and the Bonita Trust. I had the pleasure just a few weeks ago of inaugurating the new world-class facilities. The improvements to the site have been tremendous and long overdue.

Moving to the area of habitat management, Mr Speaker, I am delighted to report that great strides have been and continue to be made in the fields of terrestrial and marine habitat management. The existing surveillance monitoring programme will continue to be enhanced this year to ensure greater data capture for species of flora and fauna of local and community interest. The Department of the Environment is now better resourced than ever, both in terms of personnel and equipment and, as a result,  
 1120 is more proactive than ever before, working steadily on increasing surveillance and on various reintroduction programmes for flora and fauna, including habitat creation. The results of this proactive approach will not only assist Government in meeting the requirements of the relevant Directives, which include ensuring that the favourable status of our European protected habitats and species is attained or maintained locally, but also in enhancing local ecosystems and making Gibraltar an example in the field of ecological management.

The Government has published the updated Southern Waters of Gibraltar Management Scheme. The management regime which is being put in place following on from the recommendations of the Report into the Management of Marine Resources in the Waters around Gibraltar will include the regulation of all types of activities in Gibraltar waters which impact on the marine environment, including rod fishing,  
 1135 diving, spear fishing and diving and dolphin trip operators, as well as other issues affecting Gibraltar’s marine and coastal resources. All the relevant stakeholders have been fully consulted, in developing these initiatives. One example of increased monitoring is the fish tagging programme where the Department works closely with the Gibraltar Federation of Sea Anglers.

Mr Speaker, the illegal Fishing Agreement of 1999 was torn up, not by two lines on Facebook, but by the people of Gibraltar when they voted on 8th December 2011. That Agreement, and the inability of the Government of the time to detect the Spanish designation of the *Estrecho Oriental* European protected area which enveloped all of our territorial waters, were possibly the two greatest blunders of the former Administration, and have led directly to all the problems that arose since, in relation to waters and incursions.

Mr Speaker, Facebook, Twitter and cameras on everyone’s phone give the impression that there are now more fishing incursions than ever before. But, Mr Speaker, that is simply not true. Where mobile phones survey our waters now, I used to, daily, survey our waters through my binoculars following the  
 1145

Agreement in 1999. It was much worse then. Just the Agreement, by allowing four boats a day, allowed a minimum of 120 fishing incursions a month, and believe me, the limit of four was usually not adhered to. *That* was a fishing crisis.

1150 Our strategy now, following from the very necessary Fishing Report, is to increase monitoring, to provide more resources for environmental protection, to deliver a programme of unprecedented marine habitat creation and growth of populations of marine life, which will be hugely beneficial to our recreational fishermen, divers and spear-fishermen, to well-regulated diving tourism, and by logical consequence, to artisanal fishermen in neighbouring towns.

1155 Mr Speaker, a protected area, in particular a marine protected area, as our waters are, is a dynamic natural system. Its management has to be robust but has to track the very dynamism that defines it. The new regulations, Mr Speaker, will allow me as Minister for the Environment, to respond to such changes, by delimiting protected areas and protection regimes, by declaring closed seasons and closed areas, or temporary protection of particular species at particular times, allowing sustainable exploitation when possible and strict protection when necessary.

1160 At all times, all Gibraltar stakeholders will be involved in arriving at such measures, and in time, all users of the sea, in Gibraltar waters and beyond, will benefit, as will marine species themselves.

1165 Mr Speaker, this is the type of regime that will gain us respect and make the European Union realise that those who can best govern what happens in British Gibraltar Territorial Waters, in fact the only ones to be able to do so, are the Gibraltarians themselves.

1170 In the meantime, Mr Speaker, we continue to fulfil our responsibilities for our waters. An initial assessment of BGTW as required under the Marine Strategy Directive has been conducted and will this week be submitted to the EU. A bathymetric survey of BGTW has also been conducted, the first full survey of this nature ever carried out in our waters, and an essential tool in good environmental management. This will allow us to better manage the marine environment and the resources therein.

1175 The Macaque Management Plan, already announced, will be launched within the next few weeks. Measures have already started to control the movement of macaques in built up areas. An example is the enclosure of refuse bins in key areas, and the use of noise, and other means of dissuasion when they are in town. At the same time, habitat is being opened up on the Upper Rock, and an increased programme of contraception has been introduced.

There has already been some considerable success. However, monkeys are intelligent and persistent and so work has to be continuous and the increased resources to the Macaque Management Team will greatly assist here.

1180 I must here thank the team, which includes the Natural History Society and the Gibraltar Veterinary Clinic for their work so far, and must highlight also the members of the Department of the Environment who have also deployed in fair weather and foul to assist in management.

1185 Mr Speaker, I will also be appointing a panel of experts to advise me and the management team on scientific and conservation matters in relation to the macaques. This will include all the local experts who have worked on our macaques, as well as international scientists foremost in the field. The membership will be announced at the time of the launch of the Plan.

1190 The wisdom of having such close relationships with internationally acclaimed scientists is evidenced by the success of the high-tech monitoring programme currently being carried out in conjunction with Indiana and Washington universities and National Geographic. This is actually the biggest tracking programme on macaques to date anywhere in the world. Only yesterday, Mr Speaker, I received news of some fascinating movement patterns emerging that will greatly assist cull-free management.

1195 In the area of environmental noise, we have met our EU obligations and updated our noise maps. Environmental noise in Gibraltar focuses on noise from traffic and despite the previous Administration's belief that the legislation did not apply, leading to the halting of work in this field for many years, I am happy to report that we are now up to date on our EU obligations in this field. The Noise Core Steering Group has been reconvened and will work on updating the Noise Action Plan.

The revised noise maps are up on the Department of the Environment and Environmental Agency websites and the process is now in the public consultation stage.

1200 The services provided by the existing Gibraltar Air Quality Monitoring Programme continue to inform the Government on local air quality and how we can address the issues arising. The appointed consultants have been coming to Gibraltar to address Government officials and, on occasion, Ministers for eight years now.

Improvements to air quality monitoring – also a manifesto commitment – have continued.

1205 Mr Speaker, among my various current responsibilities, I am Minister for Urban Renewal. I am therefore very pleased that we will this year be investing in the fabric and appearance of parts of the Upper Town. I also applaud and support the efforts of my colleagues in other Ministries whose work in renewing the Estates and in the superbly designed conversion of my old workplace, the old St Bernard's Hospital into two new schools show the depth and breadth of vision that exists throughout this Government.

1210 Mr Speaker, I have mentioned the work which the Department is either spearheading or working on in collaboration with other Departments and Agencies. Indeed, as everyone now knows, work across the boundaries of Agencies and Departments is a hallmark of this Government. A lot more work is going on behind the scenes which I simply do not have time to go into, all of which contributes to improved environmental management in Gibraltar.

1215 I will however, mention a few examples of inter-departmental collaboration. The first example, Mr Speaker, I must mention is the dedication and efficiency with which the Department of the Environment, the Environmental Agency and the Port Department deliver on areas including marine, waste, habitats and industrial processes.

1220 These entities now meet regularly and work proactively, as well as reactively, to ensure the highest levels of environmental protection. Similarly, the work and close collaboration between the Department of the Environment and the Technical Services Department on a wide range of issues, including the Sustainable Traffic and Transport Study, which will be used to inform decision-making in areas such as traffic and transport, air quality and environmental noise, beaches – in which we also work with the Ministry for Tourism – and coastal protection.

1225 In order to help us in achieving the Government's environmental aspirations, the Environment Department continues to progress. A programme of Continual Professional Development is also taking place, ensuring that officers are up to date with the latest advances in all fields of environmental management. This will allow for a greater level of environmental management and polluter enforcement.

1230 Mr Speaker, I must now pay tribute to the tremendous work done by the staff of the Ministry and Department of the Environment, including administrative, technical and monitoring staff. They work continuously and enthusiastically in taking the very full and very challenging environmental agenda forward. They go well beyond the call of duty to deliver for Gibraltar.

I must also thank the contractors who work for the Department, be it in cleansing, running depots, or providing horticultural, veterinary or scientific services. They too are working hard to improve the service.

1235 And of course, the Environmental Agency who themselves carry a large number of responsibilities. I would like at this point to thank and pay tribute to Francis Martin who is soon to retire after excellent work for many years in the Agency, including most recently, as Chief Environmental Health Officer.

1240 You will have seen, Mr Speaker, that, in the same way as I stated last year, it continues to be true this year: the amount of work being carried out in relation to the Environment, not just by the Ministry and the Department and the Environmental Agency, but also by NGOs, professional bodies, contractors and other Government Departments is greater and of a higher quality than ever before, and I must add, is being done and delivered with ever-increasing enthusiasm and excitement.

1245 Mr Speaker, the Department of the Environment has a mandate to achieve a high quality environment by providing effective environmental protection; addressing the threat of climate change; protecting and enhancing our natural environment; developing sustainable waste management practices; promoting energy efficiency and sustainable energy generation as well as ensuring that Gibraltar's development respects the delicate balance between environment, economy and society.

1250 Securing the integration of environmental considerations into all Government policies is one of the Department's key objectives. This means that as well as providing and maintaining policies, programmes, legislation and information for the protection of the environment, we also promote the integration of environmental considerations into the wider decision-making process.

All of this is possible, because of the environmental governance which we are promoting.

Mr Speaker, I now turn my attention to the Ministry of Health and the Gibraltar Health Authority.

1255 I make this distinction, because up to the present, little distinction had been made between the two, with the Minister for Health essentially just, in effect, taking responsibility for the GHA. I feel that my role is much wider, and that it is all health issues that I have a responsibility for. This includes practitioners in health-related disciplines in the private sector, and organisations outside the GHA.

1260 For that reason, Mr Speaker, I have met with private doctors, dentists and pharmacists, and visited organisations such as the Red Cross and St John Ambulance, and I make myself fully available to approaches by them.

Further afield, Mr Speaker, I have supported initiatives to send ambulances and equipment surplus to requirement to Morocco and other African countries, and will continue to do so. This is a much better outcome than throwing them away, but more important, Mr Speaker, gives a relevance to Gibraltar in the context of the needs of countries less fortunate than ours.

1265 Mr Speaker – here we come to the delicate bit – when I delivered my Budget speech last year, I referred to some details emerging from a Health Survey, to which I will refer later, which stated that – I quote –

1270 '¾ of men in Gibraltar over the age of 45 are overweight'. I was one of that number and therefore committed myself to – and I quote again:

'reaching a weight and level of fitness ... which will be a reflection of a healthy lifestyle'.

Mr Speaker, what I did not yet appreciate was that a Minister's lifestyle is not a healthy one, and so when I looked this morning, the reflection was a realistic representation of an *unhealthy* lifestyle.

1275 I could of course claim that as my weight gain happened after an accident in 2011, months before the General Election, that it is the fault of the former Administration. (*Laughter*) What I could not claim is that I stand before you as a mere shadow of my former self. (*Laughter*) I have at least made some progress and I can state that I have lost five kilos. (*Banging on desks*) So, at least there should be no misunderstanding of that statistic by the Opposition!

1280 Seriously though, my struggle with weight loss is representative of that of many people, particularly as they progress through middle age. And it is in experiencing this and understanding this for myself that I am better able to lead in the initiative for a fitter population.

1285 I now make the commitment again, well aware of Winston Churchill's observation that 'The only problem with committing political suicide is that you live to regret it', and aware also that if I do not deal with this matter, the likelihood increases that I might *not* live to regret it.

Mr Speaker, I do not make that comment lightly. This job has brought me into contact with real life and death situations, almost every day, and I am more aware than many of the fact that simple decisions in life can in fact determine whether you live or die.

1290 I have been enriched as a person by coming into contact with many members of our community with real health problems. I have been able to give good advice to some, less successful with others, but I have been both humbled and inspired by what some members of our community live with, day by day.

Mr Speaker, I will of course *not* blame the former Administration for my accident in 2011 nor for my weight gain at the time. But I will blame them for other things.

1295 Mr Speaker, the Opposition has in recent months sought to evade responsibility for their actions of nearly 16 years by accusing the Government of playing a 'blame game'. Mr Speaker, sadly, it is no game.

If I said during the 2011 Election campaign that the former Administration had caused the Health Authority to lose its heart, then I was understating the real facts. Mr Speaker, the GSD had taken its heart, its lungs, its kidneys and, worst of all, its very soul.

1300 Mr Speaker, I rush to point out that it was the *organisation* that had lost this, not the hundreds of professionals who work inside it. But they had become disempowered, demotivated and uninspired. The lack of leadership at the very top – including the absence of political leadership – has left lasting scars that will take their time to heal.

1305 But they are healing already, Mr Speaker. I pay tribute, Mr Speaker, to the professionals, domestics, labourers, attendants, maintenance staff, nurses, the ambulance team, doctors, administration and clerical staff, allied health professionals – everyone – for their dedication, attitude and friendliness. They all know – every last one of them – the importance of their tasks, and perform it well.

Mr Speaker, we still have our shortcomings, but the growing warmth in the GHA is palpable, and the heart has begun to beat again.

1310 Mr Speaker, before diving into the detail of this part of my speech, let me say that in the context of the community, my regular contact with health-related charities has continued unabated. I will not list them all, lest I omit one, and will only mention by name the two that have been established in this past year – Babystepps and the Multiple Sclerosis Society – but I will state that thanks to the suggestions and constructive approach of all of them, we have made real progress this last year and have plans for next, for example: lift access to the Hospital Garden; benches outside the hospital; increase in visits by neurologists and revamping of the neurological service; introduction of neonatal hearing screening; changes in the laws regarding still births; encouraging of hearing protection during public events; improvements to catering services; improvements in access to primary care by particular disability groups; introduction of sound chips for lifts to assist the visually impaired.

1320 This process will continue. I like to regard, Mr Speaker, the requests by community groups, as my alternative manifesto. And I once again acknowledge and thank members of these groups – old and new – for their work.

Mr Speaker, the Gibraltar Health Authority, by which I mean its Board, has continued to meet regularly in public, bringing a totally new dimension to the way the Health Service is administered.

1325 During the course of last year, I commissioned a Review of the Health Service whose recommendations are in the process of being implemented. The former Chief Executive resigned and I am currently undertaking a reorganisation of the GHA's management structures. I decided to follow the novel approach, at least as far as the party opposite is concerned, of a formal competition. I am delighted to tell the House that a Gibraltarian, Mr Freddie Pitto has been appointed as the GHA's new Chief Executive and will begin his duties officially on 1st September, following a period of induction. (*Banging on desks*)

1330



The GHA is creating a unit-based management structure, Mr Speaker, comprising three units: a Hospital Services Unit, based on St Bernard's Hospital; a Primary Care and Community Services Unit; and a Mental Health Unit; and will shortly be appointing Unit General Managers.

1335 I have been concerned for some time about a lack of clarity on organisational responsibilities and believe that the changes the GHA Board and Cabinet have approved will greatly improve not only accountability within the GHA, but also both clinical and corporate governance.

1340 I am also, Mr Speaker, taking steps to increase the involvement of clinicians in management through the designation of new clinical leads in each unit linking with the new Medical Director to address issues of common concern and provide integrated clinical leadership for the GHA. I anticipate that much of the new structure will be functional from the beginning of September this year. The GHA is also revisiting the work undertaken a decade ago by the Gibraltar Healthcare Development Team, which was commissioned by the Party opposite at a cost of over £2 million, but then, in their usual manner, discarded, and will transform the way we deliver services to patients and make them more responsive and truly patient focused.

1345 Mr Speaker, I would like to tell the House about progress made over the past year in meeting our manifesto commitments and improving health care services to our population. We have made great strides with the Colon Cancer Screening Initiative, which will come into operation later this year. I must say that I found that what was supposed to have been a programme that was ready to go had been under-resourced and has required a great deal of work to get back on the rails.

1350 Mr Speaker, we have introduced, as promised, an In Vitro Fertilisation programme; made excellent progress with our new Mental Health in patient facility; and commenced work, together with the Care Agency and the Minister for Equality and Social Services, on a new Dementia Day Hospital which will vastly improve services currently available for these patients in Gibraltar and have a significant impact on bed utilisation at St Bernard's Hospital by avoiding the need for admission.

1355 The issue of bed availability at St Bernard's Hospital is, Mr Speaker, and remains a continuing concern, not helped by the misleading statements constantly issued from the Opposition benches. Mr Speaker, the hon. Lady, the Opposition spokesperson for Health refers constantly to the number on the waiting list increasing; but, Mr Speaker; this is a wholly irrelevant figure. The only figure of consequence is how long people wait for their operation and in that respect, we are still clearing up the mess that they left us from their years in charge of the GHA.

1360 Members opposite, Mr Speaker, use statistics, if I may borrow from poet Andrew Lang, 'as a drunken man uses a lamp post, for support rather than illumination'.

1365 So, let me highlight for their benefit, Mr Speaker, the real issue faced by the GHA which is the same as that faced by all health care organisations in developed countries, where the needs of patients are changing, as the population ages and the incidence of chronic disease increases. St Bernard's Hospital is not an appropriate setting for the delivery of care to many of the patients currently residing there.

1370 This is not something new and it was evident a decade ago that the hospital was becoming predominantly a facility for the care of the elderly. But, Mr Speaker, little was done to address this growing problem. It was preferred instead to pour millions upon millions of pounds into other grandiose schemes, rather than tackle the rather less eye-catching but much more important issue of providing proper facilities for elderly people in Gibraltar. Mr Speaker, quite frankly, they did not care.

1375 Well, Mr Speaker, the parties in Government now do care. We have focused relentlessly on the things that matter to those we serve and the new Dementia Day Hospital, when allied with the dedicated in-patient facility for those with Alzheimer's disease and dementia will make a very real difference to this community. Not only will these schemes provide modern purpose-designed buildings for the frailest members of our society, but they will reduce admissions to St Bernard's Hospital, allowing us to bring much more of its current resources to bear on treating acutely ill patients even more quickly.

1380 But, Mr Speaker, we will also approach this from other angles. In most UK Trusts, some 70% to 85% of elective surgical patients – the majority of waiting-list patients – have their operations in a day surgery unit and are discharged home the same day. In Gibraltar, only just over 30% of elective patients have day surgery. This has to change, Mr Speaker. There is no reason why we cannot double our day surgery caseload and free up a very substantial amount of bed capacity in the hospital. The new Chief Executive will be taking a lead in changing the way we work to ensure that there is always an adequate supply of beds and that cancellation of operations is further reduced.

1385 Added to the use of empty theatre slots on Fridays, minor procedure and plastic surgery initiatives, rationalising of waiting lists, and other steps, the unacceptable levels of waiting times that I inherited, will begin to whittle away.

1390 Mr Speaker, when I leave this Ministry I will certainly make sure that I do not leave a list with patients on it who have been waiting for an operation for a full 15 years, which is what I found.

Mr Speaker, I must mention here the incredible work to this end that is being done by nurses, surgeons and anaesthetists in bringing all this about. They are so pro-active, working together as a team,

contributing of their knowledge and experience. Because they know that they now have someone, and a Government, that will listen and respond. I am proud to have them as colleagues.

1395 Mr Speaker, because continuing simply to add more and more beds is not the solution, we will also be looking at other measures to develop more community-based services to support patients in their own homes which many of them desire and which, where it is feasible, will be a better alternative than being admitted to an acute hospital.

1400 Mr Speaker, I have to report that the GHA has not yet reached an agreement with the consultants about a new contract. However, in my meetings with the consultant body, strong representations have been made to me about some of the changes they are seeking in particular the dismantling of the ludicrous three-month contracts imposed by the previous Government. The draft contract that I inherited, in about its 20th iteration ever since it was first put together in 2004, was closely studied and found not fit for purpose. My team, including our interim Chief Executive, has therefore been undertaking a great deal of work on this matter and now the new Chief Executive will be leading the negotiations to achieve this contract.

1405 I am very hopeful that an agreement which is fair to both sides will be reached before too long. This will allow security of tenure for the consultants, establishment of job plans, and open a new era for the medical profession in the GHA.

1410 In our manifesto, Mr Speaker, we committed ourselves to creating additional posts for General Surgery, Psychiatry and Accident and Emergency Services. A new General Surgeon, Mr Ezzat Tadros was appointed in September 2012; an additional Consultant Psychiatrist, Dr Alan Lillywhite started with the GHA on 1st February; and the new post in Accident and Emergency Medicine will now follow.

1415 Mr Speaker, we have delivered on our electoral promise but that is not the end of the matter and we will continue to review our consultant staffing levels to seek out further opportunities to deliver more of our services locally and reduce our reliance on overseas hospitals.

1420 Mr Speaker, we are committed also to reviewing the contracts of our Non Consultant Hospital Doctors (NCHDs). These doctors provide the 24-hour seven-day cover that keeps hospitals running and as soon as the negotiations on the consultant contract are complete, we will open discussions with the NCHDs and their trade union representatives to address these outstanding issues.

1425 The annual expenditure on sponsored patients has more than doubled over the past decade and now exceeds £9 million. In 2003, only 291 cases went to Spanish hospitals, whereas last year, it was over 500 cases. Clearly, Mr Speaker, many people in our community prefer the convenience, for them and their families, of more local treatment and the Government will continue to facilitate processes for this, whilst also retaining close links with UK centres of excellence, and thereby offering as much choice as possible to the GHA's patients.

1430 We have already made changes to the allowances for disabled people, increasing them by 50% and we will continue our examination and review of the whole programme, in order to ensure that our patients are not disadvantaged by having to travel abroad for specialist treatment.

1435 Mr Speaker, Gibraltar's first ever Health and Lifestyle Survey was conducted in 2008, but funds for analysing and publishing the data were only made available in 2012 – another example, I am afraid, of the Party opposite fulfilling Abba Eban's famous dictum of 'never missing an opportunity to miss an opportunity'. Mr Speaker, I most certainly will not miss this opportunity.

1440 The Report is a substantial piece of work. It runs to 250 pages and is supplemented with over 230 charts and tables to illustrate the text.

1445 These are some of the key findings: 50% of the Gibraltar population are overweight or obese. Gibraltar has higher obesity levels than Spain, but lower than the UK; 42% of Gibraltar people who are overweight are unaware that they are; one third actually think they are about the right weight for their height.

1450 Three quarters, as I said before, of men aged 45 and over are overweight; 75% of Gibraltar people do not eat five or more portions of fruit and vegetables each day – significantly worse than in the UK.

1455 The youngest men – 16 to 24 – have a significantly worse diet than any of the other age/sex categories; 29% of the population are current smokers. In the youngest group, Gibraltar has the highest smoking prevalence rate of all the countries studied.

1460 A third of the population do not normally use sun cream.

1465 Mr Speaker, this list is the health equivalent of a ticking time bomb and has to be addressed urgently.

1470 This Government has already taken action to ban smoking in public areas. The Smoke Free Environment Act, which came into force on the 1st October 2012, formed a significant milestone in the history of public health in Gibraltar. Not only was it significant in that passive smoking was at last officially acknowledged as a major health risk, but the general welcome and acceptance by the public was a striking demonstration of how society has moved with the times in taking health matters seriously.

1475 The Health Promotion Department also continues to work with the dieticians to develop local initiatives for helping those who are overweight and/or obese.

1455 Mr Speaker, our Health Services already operate under grave pressure and things are only going to get worse, unless we give much more priority to prevention rather than cure. It will therefore be a key objective for the new Chief Executive and the Director of Public Health to develop ever more sophisticated and extensive Public Health programmes, utilising modern methods of communication, to get our messages over to the population and particularly young people.

1460 As an example, the Public Health department has produced and broadcast its first infomercial on GBC Television, encouraging adults to quit the smoking habit, which was presented through the voices of children. Further infomercials on the dangers of smoking during pregnancy, the new Stop Smoking clinic, colorectal cancer screening and other key health topics will be produced and form part of a bank of infomercials.

1465 Mr Speaker, there are so many messages in the Report of value to all of our citizens that the Public Health department is producing a digest, in the form of a slim 16-page booklet, which captures the essence of the Report on a user-friendly format. This will be widely distributed to households in Gibraltar. I have ensured that appropriate resources have been made available to do this.

1470 Linked to this, Mr Speaker, one of my two ministerial initiatives, announced this year and which will continue into the next, was the establishment of a Healthy Living Group, which has met on several occasions and which will continue to discuss and advise on these matters.

1475 Mr Speaker, colorectal cancer is Gibraltar's most commonly occurring cancer, as well as its third most frequent cause of cancer deaths. The incidence is also rising compared to a decade ago and this disease has a high mortality if untreated.

1480 A plan was prepared for investment in this programme which I found was incomplete and under-resourced and which required this Government to provide considerable resources in order now finally to move towards implementation.

1485 The screening plan will initially consist of a programme targeted at all persons between the ages of 60 and 74. Such a programme is currently in place in most major countries and uses a laboratory test to detect faint traces of blood in the individual's stools, a sign of possible hidden cancer. The screening programme will start later this financial year and will be a very significant step forward in detection of this cancer.

1490 In our manifesto, Mr Speaker, we committed ourselves to providing In Vitro Fertilisation or (IVF) treatment for couples with fertility problems that have no children. The GHA Board approved the scheme at its meeting in December 2012 and it came into force from January this year. To date, some 20 couples have been referred for treatment under this much-needed programme, and I am happy to report that so far there have been six pregnancies. Mr Speaker, the difference we have made to these couples' lives...

1495 Mr Speaker, this Government delivers on its promises.

1500 And we are moving on our other commitments. Work has started on introducing a much-needed protocol for stroke patients.

1505 Children's Services are being reviewed in order to cater more efficiently for their journey through primary and secondary care.

1510 Plans are in motion to deliver another important screening service, that for abdominal aortic aneurysms, which we are hoping to introduce towards the end of the financial year.

1515 And, Mr Speaker, we will not rest at just manifesto commitments. In my time in office, I have been able to pick up specific areas where the Health Service was failing. Either from my own observations, or discussions with staff, patients or relatives, I have come across a number of areas where we are falling short.

1520 One of these is neurology, and as I have already announced, we are fully revising this service. Another is management of children with conditions related to autism. Once again, we are reviewing the relevant aspects of the service in conjunction with our UK visiting consultants.

1525 Last year, we introduced Public Access Defibrillators for the first time, and we will this year expand the number of locations where these are located.

1530 A&E is another area where we have been working – and will continue to work. This front-line service, often misunderstood, has been improved by structural changes to the department, which will continue.

1535 And, Mr Speaker, we are looking at how we can improve the services offered by the allied health professionals, such as occupational therapy, physiotherapy, dietetics, audiology and speech therapy.

1540 Mr Speaker, the Government is committed to ensuring registration with the General Medical Council for all our doctors. The current medical registration legislation is chaotic. Rushed transposition of an EU Directive by the previous administration means that one of our laws says one thing and another says the very opposite. That is, faced with a doctor's particular qualifications, one law says he can register and the other says he cannot. How this got to happen in a Government full of lawyers, I cannot understand. I suppose, Mr Speaker, that there are lawyers, and there are lawyers. *(Laughter)*

1545 Therefore, in order to achieve a new and consistent system of registration, the Medical Registration Board has commenced direct discussions with the GMC, whose headquarters in London I will be visiting next month. We aim to achieve that our doctors will both achieve revalidation and licence to practice and

1515 that our new laws will allow that. At the same time the GHA, as an organisation, will need to tighten up on governance and processes, including appraisal of doctors. We will take the opportunity in revising the law to introduce for the first time in Gibraltar regulation and registration of professions allied to medicine.

1520 And that is not the only health-related law that needs work. There are others, including the Mental Health Act, which hails from 1968 and is completely outdated. We are well advanced in drafting new legislation which will better fit the needs of a modern society.

Mr Speaker, we have also advanced in amending the legislation that governs the Ombudsman in order to achieve another manifesto commitment – that is the passing of dealing with medical complaints to his office.

1525 Mr Speaker, crucial to the delivery of excellent health care is a well-trained and well-motivated nursing staff, delivering through high quality care to our patients. Equally important, however, is to plan for the future to ensure that we are well placed to anticipate change and manage and develop our services to meet future demand. Earlier this year, the GHA approved a five-year Nursing and Midwifery Strategy, entitled ‘Keeping your health at the centre of what we do’, developed through effective engagement with our nurses and midwives and between them and their patients. Our ambition for the future is to place the needs of the patients at the centre of everything that we do and ensure that fundamental standards of care and practice are consistently high in all of our care environments.

1530 So, Mr Speaker, patient involvement is crucial to fashioning services which are responsive to their needs.

1535 Mr Speaker, this Government committed itself to a major increase in nurse staffing – 33 additional posts – to rectify years of neglect on this matter and all of these posts have been filled. But our manifesto commitment is not just about nursing increases in the main wards and services; we are also addressing nursing staff needs in the smaller specialist areas and, for example, are in the process of increasing the number of Diabetic and Palliative Care nurses.

1540 Mr Speaker, one of the biggest successes of the past year has been the reorganisation of the Primary Care appointments system. For many years, patients have struggled to obtain appointments, often by queuing up at the PCC early in the morning, in a vain attempt to get an appointment to see their doctor. At the same time, hardworking staff have had to endure criticism and even abuse.

1545 The introduction of a new appointments system in October, designed by the Primary Care team itself, has led to a much better service to patients. Improvements to their repeat prescription processes have also helped. The main remaining problem is that of telephone appointments which, despite the hard work of the operators on site, is due to the large number of calls first thing some mornings which simply flood the system. Further improvements are due which should improve this, which will include the ability to book your health centre appointments online.

1550 The nurse prescribing system is running well, with nurse practitioners at last being able to prescribe.

In addition, Mr Speaker, we have added three Nurse Practitioner Emergency clinics each day supported by the emergency doctor and this has also helped provide a better and more responsive service to our patients.

1555 Nurse-led clinics have a tremendous part to play in developing our Health Service and we are looking at possibilities here.

In fact, Mr Speaker, primary care as a whole, including the work of General Practitioners, space and administration requirements, and services out in the community are in the process of being reviewed and I look forward to developments during the coming year.

1560 Mr Speaker, the GHA is Gibraltar’s largest Government Department, when assessed by budget, and this year spending will exceed £90 million. For many years and certainly the past decade, there has been a managerial failure to control spending, leading to constant overspends of millions.

Mr Speaker, this Government expects expenditure to be controlled and I have taken steps to ensure that this is the case. I am delighted to report that, for the first time in many years, the GHA has in 2012-13 achieved a balance of its budget with its expenditure.

1565 This, Mr Speaker, is a most significant achievement, as in fact over the past year, we have made considerable improvements, including staff increases, but have spent less money in real terms. What does that say about past management of taxpayers’ money?

1570 Mr Speaker, I am not saying that we will not invest more in healthcare. But I am saying that we will make sure that every pound spent is put to good use and that the investment made in the GHA is managed effectively and efficiently. I am, as I stated earlier, Mr Speaker, taking steps to restructure the management of the GHA and part of that involves strengthening budgetary discipline to ensure that for the future we continue to balance our budget.

1575 Mr Speaker, we promised in our manifesto to computerise patient notes within two years. To this end, the Electronic Health Technology Team has reviewed a number of options for an Electronic Health Record (EHR), including UK and Spanish models and will be preparing the specification paper in order to initiate the tender process. I make no apology for making haste slowly on this particular commitment,

as the experience of the NHS on such initiatives has been one of only occasional successes on a road littered with many extremely expensive failures, and our project will not suffer the same fate.

1580 That said, Mr Speaker, an EHR system is vital to the future success of the GHA, not only because it will vastly improve our information flows in support of the provision of excellent care for our patients, but also because such systems are the bedrock of good clinical governance.

1585 So, Mr Speaker, I have commissioned a short, sharp review of our preparedness for procuring and implementing an EHR and expect to receive that report within the next two months and then move forward. It is very important not to underestimate the scale of such a task which, to be successful, will require the involvement and commitment of all of the GHA's staff. But with the re-kindled spirit of teamwork and co-operation now so evident in the GHA, we will achieve it.

Mr Speaker, over the next two years, we will prove that we will, finally, have an electronic health record system in Gibraltar, a system that we all deserve.

1590 That does not mean, Mr Speaker, that we are standing still with other much-needed developments in our IM&T systems across the GHA.

Projects and systems improvements undertaken in the past year include: in Mental Health Services, a module which covers patient information on referrals and management of outpatient and inpatient activity, which has been developed and was launched in February this year; and also a system for processing risk management, claims and litigation.

1595 But, Mr Speaker, that is not the end of it and other IT projects to be completed in this financial year include: a computerised colorectal screening programme, including a call/recall service; a similar system for abdominal aortic aneurism; a cancer registry patient management system; improvements to the Patient Registration management system; an improved referral system from Primary to Secondary Care; a sponsored patients module; a Child Welfare Clinic module; a chronic obstructive pulmonary disease module; and paperless prescribing.

1600 The aging digital telephone system in the Primary Care Centre has been upgraded to IP telephony technology and all phones have been replaced with modern IP Phones. We have also increased telephone lines to allow improved access for patients.

1605 The Gibraltar Health Authority website is currently undergoing a complete redesign with a new look, updated content and increased functionality and is expected to be available by the end of this week.

1610 Mr Speaker, I stated last year in my Budget speech that records staff, both at St Bernard's and the Primary Care Centre, needed better accommodation in which to operate. A new Medical Records Department at St Bernard's Hospital will shortly be completed, providing spacious and functional accommodation for the safe storage and retrieval of medical records. A new patient administration area and expanded record facilities at the Primary Care Centre has already also been provided.

This past year the Department of Pathology has brought about significant improvements to its services. Mr Speaker, I will mention just a few of these.

1615 The first impacts on the whole GHA and has resulted in the delivery time of results to clinicians to be much quicker than before. As soon as the results are ready and validated, they are available on-line for clinicians to see. In addition, electronic requesting of tests has removed the need for filling in paper requests, removing possible typographical and other errors, and improving patient safety.

The Department is continually fine-tuning this information system, based on feedback from users and a level of excellence has been achieved, such that the software supplier has recognised our system as cutting-edge in the way it has been configured.

1620 Mr Speaker, the supplier has the system installed in over 700 laboratories in 15 countries and has classed the GHA's laboratory as a reference centre. This led to the system being show-cased to a delegation of specialists from Thailand, looking to introduce it in their hospital.

1625 Mr Speaker, in line with the Government's aspirations to explore university level education as close to home as possible, I am delighted to announce that in September 2012, we recruited 15 local students into Gibraltar's first full-time nursing degree programme. The BSc (Adult Nursing) course attracted significant local interest, and this programme is now being taught in the School of Health Studies by our own lecturers.

1630 Thanks to the enthusiasm and co-operation of our clinical staff, all of the clinical placements required for these students to undertake these practical aspects of the course on the wards and departments are also able to be delivered in Gibraltar. This has required us to ensure that we have sufficient educational mentors – and these programmes have been run locally, also – enabling practitioners to gain additional local qualifications in mentorship.

1635 In addition Mr Speaker, the Director of Nursing and his hard working team have been carefully managing vacancies as they arise, in order to ensure that the 14 Diploma in Nursing students who will graduate in September this year will all have a staff nurse's post available.

We have also successfully appointed a new senior lecturer to the department, Gibraltarian James Viñales. A significant amount of post-registration education has also been provided.

1640 But, Mr Speaker, provision of education must now go further. There has been substantial investment and planning with respect to opening the gateway to professional career paths for those who may have an aptitude and enthusiasm, but may not necessarily hold the required entry qualifications. In order to assist these staff, NVQ Level 2 training has been developed and delivered, with the support of our local School of Health studies – notably the tutor, Janet Lane. I am pleased to report that 21 candidates have successfully completed and passed their NVQ Level 2 in the past year. This is a significant achievement, for which I commend both these staff and their tutors.

1645 Mr Speaker, I am delighted to confirm that the GHA is renewing the educational contract with Kingston and St George's University. This has proved a mutually advantageous partnership and I look forward to its continued success over the coming years.

1650 What I think is the biggest achievement of the school this year, Mr Speaker, is the re-introduction of Enrolled Nurse training, offering once again opportunities for progression for Nursing Assistants who, for whatever reason, cannot go down the degree avenue. Enrolled Nurses would then be able to train further to achieve staff nurse status. This is an improvement on the UK system and shows how this Government cares.

1655 Mr Speaker, the development and modernisation of the Gibraltar Ambulance Service was a stated priority for the Government. Over the past year, a significant amount of attention and investment has been made to address a number of deficiencies which were seriously affecting staff morale and the capacity to deliver the standard of service which we believe the people of Gibraltar deserve.

In this respect, Mr Speaker, I was most recently proud to have presented the members of this fully fledged emergency service with long service medals for the first time.

1660 Mr Speaker, we have seen the delivery of three new state-of-the-art ambulances for our Emergency Ambulance Service. Funding has also been provided for a further five ambulances, which will arrive during August and September this year.

1665 The GHA is providing an expanded rest area for the ambulance crews, which are a marked improvement on the cramped area they previously occupied in the A&E Department. This is an interim solution, pending a longer-term permanent replacement to be provided, as part of wide-ranging changes in the layout of St Bernard's.

1670 The Government has continued to invest in paramedic training for staff, which was recently topped up with some additional practice placements overseen by the paramedic tutor. Our paramedic students are due to complete their degree programme in September 2013 and work is currently underway to design the job descriptions to ensure that on completion of their degree, the paramedics can move seamlessly into the new roles.

I am also delighted to report that the paramedic degree programme was also validated by the Health Professions Council in the UK – its first overseas validation.

1675 In order to ensure that we make the best use of this new expertise, the Government has commissioned an external review of our ambulance services. The review is due to report by the end of the summer.

1680 Let me now turn, Mr Speaker, to a subject very close to my heart, Mental Health Services. These services continue to go from strength to strength and this Government remains 100% committed to rectifying the under-investment of its predecessors. The last financial year saw an investment in excess of £70,000 simply to provide basic levels of comfort within the unsatisfactory environment at KGV. This has brightened up the existing facility and has improved significantly the morale of both patients and staff.

All of the professionals from the Mental Health Services have been actively involved in planning their new facility on the old Royal Naval Hospital site, which has occupied a significant amount of staff time over the past year.

1685 Finally, I am delighted to note that in the last financial year, KGV Hospital was successfully nominated as team of the year for our staff awards ceremony. The fact that such a touching citation came from users of our services is testimony to the work that our excellent staff have managed to continue to deliver in what we all acknowledge are sub-optimal surroundings.

1690 We should also remember, Mr Speaker, that mental health problems are not confined to adults and can strike at any age. A contract has therefore been signed for visiting Consultants for Children's Services in Mental Health, so that we can also offer first-rate services to our children. There is a growing and fruitful partnership between the South London and Maudsley NHS Foundation Trust and the GHA, and a number of visits to Gibraltar have now been completed by Dr Bruce Clark, Consultant Child and Adolescent Psychiatrist.

1695 This Government remains committed too to improving the community services provided by the Community Mental Health Team, a small team, but of undoubted commitment and capability.

Mr Speaker, a top priority for the forthcoming year, is the completion and commissioning of the new unit which we anticipate will be handed over in October or November. Then, at last, Mr Speaker, Gibraltar will have the first rate mental health facility that should have been provided many, many years ago!

1700 Mr Speaker, last year the Government increased the GHA's Capital Expenditure funding from £800,000 to £3.3 million – an increase of 312%. This substantial increase was not a manifesto commitment, but simply recognition that after years of under-investment by the Party opposite we needed to increase capital expenditure in the GHA to allow it to develop important projects necessary to improve facilities and upgrade medical equipment that has become either technically or clinically obsolete.

1705 This increased funding has allowed the GHA to embark on an ambitious medical equipment lifecycle replacement programme to ensure that our clinicians are supported with the modern technology that is now an integral part of health care delivery.

1710 For example Mr Speaker, we have been able to: upgrade the St Bernard's Emergency Oxygen System; upgrade the St Bernard's Cardiac Alarm System, so that cardiac arrest alarms now go straight to a pager-triggering system, which includes specific location details and will also cut the manual step of contacting the call centre from the loop. Electronic logs of these alarms will be generated, improving on reporting and auditing trails.

1715 We have procured two new dialysis units, which brings to four the total of units which have been replaced, and it is envisaged that the two remaining units will be replaced during the course of this financial year.

We have redeveloped theatre 3 to provide the necessary space for increased throughput, as part of our Day Surgery Initiative.

1720 But that is only part of the story, Mr Speaker. Work continues on a host of other projects to meet the GHA's urgent needs and also to deliver on all of our manifesto commitments. These include, apart from those already mentioned: the new Dementia Day Care Facility at the old Royal Naval Hospital site; redevelopment of the Accident and Emergency Department; expansion of the Day Surgery Ward, to increase capacity to 15 patients; an expansion of the Blood Department, which is an EU Blood Directive requirement which had been ignored for years; a new patient counselling area for Palliative Care; a new clinical area for the Hepatitis B immunisation service; and a new area for colorectal screening.

1725 And Mr Speaker, there is more to come. We said in our manifesto that we would:

'make alternative arrangements to improve the delivery of meals and consequently their quality'.

1730 We have decided to go much further than that, Mr Speaker. It beggars belief that the previous Administration could have settled on a scheme which places the kitchen providing meals for patients at St Bernard's, KGV and HM Prison in its current location and then purchased an extraordinarily expensive plated-meals service which not only fails in its basic design, but costs a fortune to maintain. We have therefore started again from scratch and examined the relocation of the facility, via a feasibility study for which a preliminary outline design has been completed.

1735 Plans are progressing for the creation of a new Catering Department at St Bernard's Hospital. This initiative is very important as it will improve the quality of the food served at the bedside and good nutrition is an essential aid to the provision of excellent health care.

1740 Could I, at this juncture, Mr Speaker, pay tribute to the excellent work done by Duncan Cerisola, our Catering Manager and his team, who have continued to work in very difficult conditions to provide a good service to our patients. I should make clear, Mr Speaker, that, as a team, they are not at all happy with their current working conditions and strongly advocate these changes being implemented as quickly as possible. We will not let them down.

1745 The GHA is very conscious of the need to reduce the environmental impact brought about by its increasing use of facilities and services. A specially established GHA team is actively working on a range of environmentally friendly initiatives aimed at reducing energy consumption, enhancing energy conservation and recovery, and the reduction of operational costs. These include: a solar thermal initiative to reduce the use of oil burners and provide a large amount of hot water throughout the Hospital; an LED lighting scheme, to replace conventional lighting throughout the GHA estate; air-conditioning set-back controls; smart metering installations to ensure we can monitor power usage throughout St Bernard's; heat recovery systems, ensuring we recover heat load generated from our air conditioning systems in order to provide hot water.

1750 In conclusion, Mr Speaker, I want to pay tribute to two people who I have not mentioned so far: the interim Chief Executive, John Langan and Ernest Lima, his adviser, for assisting us to get through a period of change in the Health Service.

1755 But what can I say about the salient points that remain to be made?

1760 Well, the first is the way that clinical staff, including nurses and doctors are listened to so much more, and encouraged to get involved in initiatives and decision-making. The second is the great teamwork that has developed, not just within the GHA, but also between the GHA and other Departments, particularly the Departments so ably led by my friend and colleague the Minister for Equality and Social Services, Samantha Sacramento.

1765 But also in particular with Education and with Housing, the seamless integration of multi-agency, multi-disciplinary and inter-departmental teams is making a real difference to the community. To mention but one example, the Occupational Therapy department is now fully involved with other professionals in a wide range of activities, from assessments of the needs of the elderly at home, through the design of new facilities, to ensuring that our new housing schemes are fit for the elderly and disabled, not like those we inherited.

1770 Mr Speaker, I must once again pay tribute to all the staff. Health professionals because they deserve our thanks every single day that they get up to go to work; supporting services because without them the Health Service would not function; administrators because they provide the chain that links the cogs to keep them turning.

And I would like to make mention of management as a whole, clinical, support, and administration. They have kept the machinery running, and improving, while so much change has been going on around them. That is never easy.

1775 While things have begun to be looked at differently, as the way of doing things and who has been doing them has been evolving. Thank you for your patience. We are nearly there.

And of course to the unions, whose support for their members is strong and resolute, but whose sense of responsibility in the delicate environment of healthcare is just as strong and just as resolute. Your job is not easy, but you carry it out admirably.

1780 Mr Speaker, this Government has already made very substantial progress on fulfilling its manifesto commitments for health. I believe that under the leadership of the new management team, we will be able rapidly to move forward and complete our programme during the next two and a half years.

1785 Mr Speaker, this is a new Gibraltar. So much has changed. It feels like smoke-free restaurants and paper-recycling have been with us forever – but it has been much less than a year for both. The community have now got used to being able to openly comment on – and yes, criticise! – the Government without fear of reprisal from the chamber of horrors that was No. 6. *(Laughter)*

We now accept that a Government's plan can be constructively discussed by the people and that the Government will listen.

Gone are the days of autocracy and secrecy. We have taken Government back to the people.

1790 Mr Speaker, the new dawn came, and now, the sun is rising. *(Applause)*

**Chief Minister (Hon. F R Picardo):** Mr Speaker, may I invite you to recess the House now for 15 minutes? Although we have been invited to refrain from digestives, perhaps we can at least enjoy a cup of tea!

1795 **Mr Speaker:** The House will now recess for 15 minutes.

*The House recessed at 5.40 p.m. and resumed its sitting at 5.58 p.m.*

1800

**Appropriation Bill 2013  
For Second Reading  
Debate continued**

1805 **Mr Speaker:** The Hon. Gilbert Licudi.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to present my Budget address as Minister with responsibility for Education, Financial Services, Gaming, Telecommunications and Justice.

1810 Mr Speaker, the 9th December 2011 indeed saw a new dawn for Gibraltar politics. Since that day, my fellow Ministers and I have worked to bring about the agenda for change that the people of Gibraltar elected us to deliver.

1815 The Government has, of course, an overreaching desire, and indeed a duty, to deliver stability, opportunity and growth across all areas for which we, collectively, have responsibility. But it also has a political responsibility to deliver fairness, equality and transparency in governance, as well as providing the building blocks of a healthy and vibrant economy.

This Government will bring about a new era of social and economic prosperity and the positive change that the people of Gibraltar want and deserve – a change which already, a mere 18 months since we took office, is palpable and evident.

1820 That said, Mr Speaker, I turn to the various areas of responsibilities that form part of my ministerial portfolio, starting with Education.



1825 Education, Mr Speaker, remains a top priority for the Government. The Estimates reflect that the amount required for the year ended 31st March 2014 for salaries, wages and expenses is £37,892,000. The forecast outturn for the year ended 31st March 2013 is £33,861,000. There is therefore a projected increase this year of around £4 million – that is just over 10% – in recurrent expenditure.

1830 This follows an increase in last year’s Budget of around 23%. In two years, the Education budget for recurrent expenditure has gone up from £28,407,000 to an estimate for this year of £37,892,000. That is an increase of around 33%, one third, in two years. It is, I believe, unprecedented and clearly serves to confirm our continuing commitment to Education.

1835 As anticipated in last year’s Budget, September 2012 saw an increase of 47 in the complement of teachers. In fact, the complement increased by 48 as, in addition to the 47 new teachers, one post of instructor was converted to that of qualified teacher.

1840 One of the effects of the increase was to resolve the long-standing problem of having supply teachers permanently on supply, whilst covering what was clearly not a temporary need. These teachers have now been given the opportunity of having permanent tenure of employment, with all the benefits that this brings, including all employment protection rights, sick leave, maternity leave and pension rights. Those engaged have also had years worked on supply taken into account for salary and pension purposes.

1845 The increase of 47 teachers also means that there are now more teachers in our schools than there have ever been. This benefits the teachers themselves, the schools, the pupils and, ultimately, the whole of Gibraltar.

1850 The eradication of the concept of permanent supply has not just affected teachers. It has also resulted in the permanent engagement of over 20 cleaners who, again, are now able to enjoy the full employment rights which they were previously denied.

1855 We have also seen the engagement through a Government-owned company of 153 lunchtime supervisors. Until now, these ladies were engaged in September of each year and dismissed from employment the following June. The result was that they had no security of employment, did not enjoy full employment protection rights, were not able to take maternity leave and had no pension rights whatsoever. All of that has been remedied by the engagement of these ladies earlier this month.

1860 With regard to scholarships, Mr Speaker, hon. Members will note a provision for 2013-14 of £10,250,000 compared to a forecast outturn in 2012-13 of £9,689,000. That is an increase of £561,000. This reflects the increasing number of students supported by the Government.

1865 As a result of the changes the Government has already made since elected into office in respect of mandatory, distance learning and discretionary scholarships, the Department of Education has commissioned a bespoke student data management system to cope with the increase in the number of our young people that now have access to undergraduate and postgraduate degrees and other qualifications.

1870 In nurseries, applications for nursery placements are substantially higher this year, totalling 398. In order to meet the demand, St Mary’s and Governor’s Meadow First Schools will open for the next year in the afternoon. There will be a nursery place for every application, should parents wish to take up the offer they receive.

1875 Apart from the more than 50% increase in the complement of Special Needs Learning Support Assistants, which were formerly known as Classroom Aides, implemented in last year’s Budget, their role has also been reviewed. A more modern and enhanced job description that better focuses on learning support has been devised and successfully implemented.

1880 Mr Speaker, I am happy to report that the new extension at Notre Dame, with enhanced facilities for Special Educational Needs, was completed in record time, and was ready to receive pupils, as promised, by September 2012.

1885 I can also confirm that works for a much-needed extension at St Martin’s started in April 2013 with an expected completion date set for the beginning of August. This should provide the school with approximately 170 m<sup>2</sup> of extra space. This project is being carried out with the support of the Kusuma Trust to which the Government is very grateful.

1890 Government is also committed to developing a clearer understanding and awareness of the needs of children with social, emotional and behavioural difficulties and this continues to be developed by the Department of Education’s Advisory Service. One of its members is currently completing a Masters degree in Education in this area of educational practice. A programme of in-service training for teachers and other professionals will be launched for the next academic year 2013-14. The Department of Education will also offer individual teachers further opportunities to enhance their knowledge, skills and understanding in this and other fields of interest.

1895 The Department of Education has developed a programme for the support of children with emotional and behavioural issues. The provision is specifically aimed at supporting children who cannot be educated within the school context. Such arrangements are always undertaken as temporary measures and the goal will always be to re-introduce the child back to the school as soon as is practicable and the child is ready.

1885 All Special Educational Needs Co-ordinators have now received training in autism, delivered by one of the UK regional specialist centres. With the support of the Advisory Service, further in-service sessions have already been delivered to one Middle School and other schools will follow during 2013-14. All schools will benefit from similar in-service sessions in understanding autism.

1890 In addition to this course, members of the Advisory Service have received specialist training in understanding autism by the Autism Education Trust in the UK. This Level 3 Training Programme is designed to support professionals working in education. The focus of the training is on the UK's National Autism Standards, which are used to identify good practice in schools for pupils with autism, as well as helping in the development of the provision already in place.

1895 Mr Speaker, our 14-to-19-year-old children continue to enjoy a range of fascinating science and mathematics activities and experiments prepared by outreach teams from the British Science Museum and Cambridge University. These initiatives continue to be sponsored by the Kusuma Trust and serve to give children different perspectives of what science and mathematics are all about.

1900 The Young Enterprise Scheme continues to thrive and clearly enjoys the support of the business community. This is a good example of Gibraltar punching above its weight, inasmuch as our Young Enterprise teams always do extremely well when competing against the 26,000 students and the 2,000 companies across the UK, in the National Championships in the UK every June. The Gibraltar representative has achieved third and fourth places in recent years and last year, Y-Tangle, an innovative product designed to prevent headphone cables from becoming tangled, won the Best Product award.

1905 The finals in Gibraltar for this year took place last week, with seven teams displaying once again imaginative products with very high standards of design and production. I congratulate the winners Elementz, with a product called Bootz – a waterproof boot designed to be worn over shoes and trousers to prevent them from getting wet – and wish them every success at the forthcoming national finals in the UK.

1910 As an example of the very real results that schemes such as Young Enterprise can deliver, I am very pleased to see that one of last year's teams from Westside School, Develop I.T., has now become a Private Limited Company. This group of young people developed an App called Key2Gib, an electronic tourist and visitor guide. The App includes diverse sections including What to See, What to Eat and Things to do. The App is also an extensive guide to all things Gibraltar – with the inclusion of tourist hotspots, restaurants and a great range of activities available on the Rock. I have the App myself on my iPhone and I can certainly say that it should be downloaded by every visitor to Gibraltar, as well as by all residents.

1915 The Government congratulates all those involved in the Young Enterprise Scheme for their magnificent achievements.

1920 This academic year, Mr Speaker, will see the implementation of a repeat programme at Bayside for Year 12 boys who have need to improve their grades in the core GCSEs. A repeat package of GCSEs and qualifications will be on offer to children who wish to improve their grades and possibly progress onto A-Level study or seek employment at a later stage. This will mirror the repeat provision that has existed at Westside for many years.

1925 It was wrong, Mr Speaker, for boys not to have the same opportunities as those which were available to girls. The Government has now corrected this anomaly.

1925 Bayside is also piloting an exciting new series of courses from the ASDAN awarding body, as a more vocational, life-skill-based pathway. ASDAN programmes and qualifications are well established in the UK and offer flexible ways to accredit skills for learning, skills for employment and skills for life.

1930 Mr Speaker, the Department of Education continues to keep a close watch on 14-19 developments in England and will advise the Government accordingly. The public examination system in England is in a constant state of flux. Our secondary schools and the College have successfully adapted to these changes, sometimes at very short notice.

1935 There are more changes on the horizon, such as the curtailing of the 'repeat' system within the A-Level examinations, the reintroduction of two-year courses with terminal examinations at the end, the uncertain future of the GCSE in England and the constant updating of the examination specifications, or syllabi.

1935 These are examples of the challenges which our local education system will continue to face. I am glad to say that all the professionals at the Department of Education have always risen to such challenges and will undoubtedly do so again as they arise in the future.

1940 Mr Speaker, Government remains firmly committed to the provision of Higher Education programmes in Gibraltar. The Department of Education is currently exploring a number of potential routes leading to the development of university faculties in Gibraltar and the provision of a range of professional qualifications and post-graduate programmes. I expect to be able to make further announcements on this during the course of this year.

The Department of Education is also firmly committed to providing opportunities for professional development for all staff. The Leadership and Management courses for teachers, which is accredited by

- 1945 Durham University, terminates this year. The Department of Education is currently working on the provision of a more specialised programme of teacher professional development, focusing more on practical teaching, learning and pedagogy, as an alternative to Leadership and Management. It is envisaged that these programmes will also be at Master's degree level.
- 1950 The Advisory Service has also provided or facilitated in-service courses in the following areas: Safeguarding Children Tier 1 Training – this multi-agency commitment, which education forms part of, has continued to offer monthly training. So far 110 teachers have completed the Safeguarding (Tier 1); it is forecast that the full teaching complement will have received Tier 1 training by the end of the academic year 2013-14.
- 1955 Tier 2 training is now well established and provides additional guidance and support to senior leaders requiring a greater depth of knowledge and skill in this area.
- Dignified Care and Responsibility Training: this continues to be facilitated by the Advisory Service. Restraining children should always be a last resort strategy. DCRT is commended for its focus on de-escalation techniques and serves to reduce the need to physically restrain children. This course includes both the theoretical aspects, such as understanding aggression and aggression cycles, triggers, self-awareness and risk assessments, as well as the practical skills needed to safely restrain children.
- 1960 The Advisory Service continues to work in partnership with all schools to enhance and develop anti-bullying strategies. A common anti-bullying framework is already in place offering guidance to schools on how to manage incidents of bullying. Following on, Mr Speaker, from the introduction of a permanent BEST team last year, twilight sessions have already been held in the majority of schools to reinforce the support that this service provides.
- 1965 First Aid Courses in schools: this is part of a rolling programme facilitated by the Advisory Service. British Sign Language Level 2: the Advisory Service is funding teachers attending the Level 2 course. 'Using Smartboards More Effectively': this is funded and facilitated by the Advisory Service and involves the training in the UK of a Middle School teacher in the use of Smartboard technology. This teacher will then in turn cascade the training to other practitioners.
- 1970 Mr Speaker, apart from this, schools continue to prepare and deliver their own 'in house' in-service, which addresses individual schools' priorities in support of school improvement and development.
- The number of Smartboards and access to these is growing and a programme to substitute first generation Smartboards for new models is being implemented. Six IT technicians have now been employed by the Government's IT and Logistics Department for deployment in schools. This should address the historical lack of dedicated IT support and maintenance of ICT equipment in schools.
- 1975 The Department of Education is also actively encouraging, fostering and funding the development of technological developments and initiatives by individual teachers. These include educational mobile phone 'Apps', websites and sophisticated, web-based pupil-teacher interfaces for PE, Music or ICT.
- 1980 Mr Speaker, the Health and Safety Audits of all schools commencing in January 2012 were completed within a year, as per our manifesto commitment. A technical officer from the Ministry for Housing has now been seconded to the Department of Education in order to support the addressing of the repairs and maintenance issues arising as a result of the Audits.
- 1985 As part of these recommendations, Asbestos Surveys have also been completed in all schools except St Martin's School, which is currently in progress. Asbestos registers have also been completed and updated.
- Computer software is being commissioned as a result of the increase in the volume of repairs. This will replace the current legacy system in use by the Department of Education. The new system will support the processing of works orders in respect of repairs carried out by the dedicated GJBS maintenance team for schools. This will offer substantial savings in time, accuracy, improved management and tracking of the huge volume of repairs and maintenance generated by the maintenance and repairs programme for schools. The software will also be used for accurately costing works for budgeting purposes.
- 1990 During the financial year ended 31st March 2013, the following works have been carried out.
- 1995 An extension was completed at Westside School. This extension includes two new kitchens and a drama studio. The total cost during the last financial year has been £313,360.
- New classroom conversions have been completed at Westside School at a total cost of £10,625.
- A special needs purpose-built extension at Notre Dame First School was completed at a cost of £539,000.
- 2000 The windows of the western façade of St Anne's Middle School have all been replaced. The cost has been £146,000.
- The works to provide St Joseph's Nursery with special flooring have been completed at a cost of £14,466.
- 2005 The gymnasium flooring at Bayside and Governor's Meadow Schools have been replaced with new 'Taraflex' flooring at a total cost of £12,000.
- Structural timber support works have also been completed at Bleak House at a total cost of £32,600.

Works planned for the current financial year include the following.

2010 Works on the extension, as I have already mentioned, to St Martin's School commenced on 18th April 2013 with an expected completion date set for the beginning of August. Works involve the building of a one-storey extension with an approximate area of 170 m<sup>2</sup>.

Westside School will benefit from the construction of two much-needed science laboratories. These works will commence this summer and will be completed for the new academic year 2013-14.

2015 A full mezzanine floor will also be constructed to maximise the usable space available at St Joseph's First and Middle Schools in their lunch hall. The works will commence this summer and will provide six extra classrooms for the two schools.

The refurbishment of Bayside School will commence this year, with the painting of the school and the replacement of windows at the ICT/History area.

The ICT Suites at both the Hebrew School and St Paul's First School will be re-sited this summer.

2020 The toilet block at the present Sacred Heart Middle School site will be re-configured and refurbished.

St Mary's First School will have the windows to the west façade replaced.

The patio flooring at Bleak House will also be replaced during the course of this year.

The fence at the east side of St Paul's First School will be repaired and the playground fence will be removed to be replaced with a brick wall, for increased privacy of the school grounds.

2025 Mr Speaker, in accordance with the Government's manifesto commitment, Sacred Heart Middle School will be relocated. We will also relocate St Bernard's First School.

The Government has announced the conversion of the Old St Bernard's Hospital site into two new schools and community sports facilities. The works will primarily involve the renovation and modernisation of existing buildings to turn these into a First School and a Middle School.

2030 In addition, there will be a Sports Hall which will be shared by the two schools with a play area/sports court on top of the Hall. Both the hall and the court will be available for community use. These can be accessed separately and will house toilets and changing room facilities.

The First School will have eight classrooms, rooms for teaching children with special educational needs and specialised teaching areas and spaces specifically designed to cater for this age range, including rooms for Music, ICT and a library.

2035 The Middle School will have 16 classrooms, SEN rooms, a library and dedicated teaching areas for Music, ICT, Art, and Science in keeping with the needs of older children.

A salient feature of the Middle School will be a central glass-roofed, multi-purpose atrium which will be available for students and teachers to enjoy either for social or educational purposes.

2040 Both schools will be fully accessible to pupils, parents or teachers who may have mobility issues. The schools will also be fully networked and equipped with ICT resources and facilities.

Mr Speaker, this exciting project creates much needed school facilities in this area as well as sports facilities for the Community. This will be, in fact, the first purpose built Sports Hall in the Central or Upper Town area. It will be a showpiece of urban regeneration in the Upper Town, combining heritage with educational needs and new facilities for the whole community to enjoy.

2045 Work on the site has already started with expected completion in the summer of 2015, in time for the new intake of students in September of that year.

Mr Speaker, the Government promised one new school. It is in fact building two new schools.

This Government means what it says, acts on its commitments and delivers on its promises. We are seeing that not just in Education but across all Government Departments.

2050 Mr Speaker, I turn to other areas of my ministerial portfolio, starting with financial services.

Mr Speaker, the financial sector accounts for around 15% of total employment and contributes around 20% to GDP. Overall, there has been an increase in employee jobs in the Finance Sector of 2.1% – 66 jobs – during 2011-12.

2055 As part of the European Union, Gibraltar's financial services, licensing, regulatory and investor and depositor compensation regimes are fully compliant with all EU requirements. Gibraltar-licensed financial services firms have access to the EU single market of over 500 million people, with 'passporting' rights in banking, investment services, insurance, reinsurance and insurance mediation.

2060 Gibraltar's successful finance centre is based on the Government's conviction that it must remain squarely within the mainstream of international consensus. In line with its commitment to transparency and effective exchange of information, Gibraltar has to date negotiated and signed a network of tax information exchange agreements with OECD/EU Member States. Gibraltar is on the G20-instigated OECD 'white list', and is currently negotiating or concluding similar agreements with several other countries. Tax information exchange agreements signed so far have been with the USA, France, Germany, the UK, India, Italy, Ireland, Portugal, Netherlands, Belgium, Austria, Australia, New Zealand, South Africa, Malta, Mexico, Turkey, Poland, Greece and the seven Nordic countries – Sweden, Finland, Denmark, Norway, Iceland, Faroes and Greenland.

2065 To underscore Gibraltar's commitment to transparency and exchange of information, I undertook to personally sign further tax information exchange agreements since taking office in December 2011. As of

2070 the time of my last Budget speech in July 2012, I had signed TIEAs with Malta on 24th January 2012 and with South Africa on 2nd February 2012. Since then, I have signed a further six, namely with Italy on 2nd October 2012, Mexico on 29th November 2012, Turkey on 4th December 2012, Greece and Poland on 31st January 2013 and India on 1st February 2013, bringing the total signed so far to 26 – with more in the pipeline.

2075 Nineteen of these agreements have so far entered into operation and Gibraltar is awaiting reciprocal notification in respect of the remainder.

2080 Mr Speaker, on 2nd May 2013, Her Majesty’s Government of Gibraltar announced in a press release that it was ‘committed to continue to work with the UK Government... in a spirit of partnership with the UK as advocated in the Overseas Territories’ White Paper’, and the wider international community on a new package on tax transparency. The Government expressed confidence that it already had in place ‘a robust regime for the rooting out of tax evasion, particularly through its membership of the EU and full compliance with EU rules’. It reasserted its commitment to ‘pursuing this agenda with the UK in agreement, and subject to consultation, with the finance industry in Gibraltar.’

2085 It remains the Government’s firm view that tackling tax evasion and fraud is rightly a global priority, necessary to protect the integrity of public revenues, the confidence of taxpayers in the fairness and effectiveness of their tax systems and, ultimately, public confidence in open global capital markets. Gibraltar, uniquely amongst all British Overseas Territories and the Crown Dependencies, notes that it is required to comply, and already complies, with all EU requirements in this area.

2090 Increased attention has been given to tackling evasion and fraud over recent years, in particular through the development of international standards and the Peer Review process by the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes. The Government has said that Gibraltar has ‘...nothing to fear and all to gain from international initiatives to stamp out tax evasion and we would be very pleased to finally see a level playing field of all other relevant jurisdictions.’

2095 Gibraltar participated in the pre G8 summit held recently in London. This included a meeting between the Chief Minister and the UK’s Prime Minister. Gibraltar was able to demonstrate its full compliance with all relevant international standards and its commitment to continue to be at the forefront of developments aimed at fighting tax evasion and fraud.

2100 Mr Speaker, the international community has recognised that the action taken by the United States under its Foreign Account Tax Compliance Act (FATCA) provides a unique opportunity to develop a new global standard for multilateral automatic information exchange. Gibraltar has committed to entering into a FATCA agreement with the US and to enter into similar arrangements with the UK in keeping with the same timetable.

2105 Furthermore, building on Gibraltar’s actions as regards the EU Savings Directive, we have also committed to the pilot multilateral automatic exchange of tax information announced recently by the G5 countries – the UK, France, Germany, Italy, and Spain.

Gibraltar has also asked the UK to extend to Gibraltar the Multilateral Convention on Administrative Assistance in Tax Matters.

2110 In agreeing to all of this, the Gibraltar Government has emphasised the fundamental importance of maintaining a level playing field in the international financial services area and the need to take firm enforcement action against non-compliance.

The updated Mutual Assistance Directive on administration co-operation in the field of taxation, which was transposed with effect from January 2013, provides for the introduction of standard forms for exchange of information on request and spontaneous exchanges, computerised formats for the automatic exchange of information and channels for exchanging information. It also introduces automatic exchange of information from 1st January 2015 in five categories of income and capital.

2115 The Government has received confirmation directly from the OECD that this updated Directive on administrative co-operation in the field of taxation is TIEA equivalent. This signifies that since January 2013, Gibraltar has had TIEA-equivalent arrangements in place with all 27 EU Member States, assuming that they have all already transposed this Directive – in addition to the bilateral agreements with which Gibraltar has signed with certain EU Member States.

2120 Mr Speaker, this morning we heard a statement from the Chief Minister in relation to a decision by ECOFIN, the Council of Financial Ministers of the EU, whereby ECOFIN endorsed the Income Tax Act in Gibraltar as being compliant with the EU Code of Conduct for Business Taxation. That is, Mr Speaker, very good news to Gibraltar and I am sure it is something that will be very welcome by all involved in the Finance Sector.

2125 I wish to echo what the Chief Minister has said and congratulate all those involved in making that a reality – in particular, the very hard work that has been put in in this regard by the Government’s external advisers, the Government’s Chief Legal Adviser, Michael Llamas, the Commissioner of Income Tax and the whole team that works tirelessly in order to be able to engage with the Code of Conduct and ensure that this magnificent result was achieved for Gibraltar. Congratulations on behalf of the Government to  
2130 all of them.

Mr Speaker, in the field of international co-operation and judicial assistance, Gibraltar assists with claims relating to taxes and duties with EU Member States under the EU Directive concerning Mutual Assistance for the recovery of claims relating to taxes, duties and other measures as transposed in Part III of the Mutual Legal Assistance (EU) Act 2005.

2135 Gibraltar also provides judicial assistance under the Evidence Act 1948 in response to *Commissions Rogatoires* or Letters of Request, as well as mutual legal assistance with Schengen states under Part II of the Mutual Legal Assistance (EU) Act.

2140 Assistance is also given to non-Schengen states which have either entered into a reciprocal agreement on mutual legal assistance in criminal proceedings with the Government of Gibraltar under the Mutual Legal Assistance (International) Act 2005, and in cases where the requesting state is a party to the UN's Transnational Organised Crime Convention and the circumstances of the case mean that the provisions of the Transnational Organised Crime Act 2006 apply.

2145 Additionally, Gibraltar has, since July 2005, been exchanging information with EU Member States under the EU Taxation of Savings Directive as transposed into our Taxation (Savings Income) Act 2004.

Mr Speaker, the Government of Gibraltar has a record of full co-operation with all relevant international bodies, such as the IMF and in the area of anti-money-laundering. Gibraltar has a good reputation internationally for co-operation and information sharing.

2150 The Government will continue to co-operate fully with the IMF and devise policies where appropriate, in order to ensure that any assessment undertaken by this body meets their assessment criteria.

The Finance Centre Department continues to compile Gibraltar's portfolio investment position for submission to the IMF, as it has been doing since 2004. Information on this can be viewed or downloaded from the IMF's website.

2155 Progress on the Fourth Money Laundering Directive, a Proposal for a Directive on the 'prevention of the use of the financial system for the purpose of money laundering and terrorist financing', published on 5th February 2013, is being monitored by the Government with a view to timely transposition to ensure that Gibraltar maintains its position as being completely up to date with the transposition of all relevant directives.

2160 Mr Speaker, Gibraltar's financial services centre continues to post stable growth in a number of areas such as insurance, investment management and funds, notably experienced investor funds, of which there are now approximately 95. Gibraltar's future in financial services continues to rest in high-end, high-value-added private client business, insurance, both captive and retail, investment management and funds. Gibraltar has set itself the objective of becoming a major player as an EU funds domicile and EU centre for hedge fund management operations, particularly with the introduction of the Alternative Investment Fund Managers Directive next month.

2165 The number of licensed insurance companies writing new business at present is 55: 13 of these insurance companies are captives writing general insurance business, three of which are protected cell companies that collectively manage 32 cells.

2170 The critical mass that has been achieved in this sector makes Gibraltar a mainstream insurance domicile within the European Union along with long-term players in this market.

Gibraltar motor insurers now write 10% of the UK motor market and that percentage is expected to increase over the next few years. A new motor insurer was licensed in the first quarter of 2013 and there are a number of other insurance businesses actively seeking to establish themselves in Gibraltar.

2175 Mr Speaker, following the commencement of the Income Tax (Amendment) Act 2012 which made amendments to the Income Tax Act 2010 in respect of certain pension schemes imported into Gibraltar, which are generally known as Qualifying Recognised Overseas Pension Schemes (QROPS), on 28th June 2012, the pensions industry has seen increased interest in Gibraltar as a pensions domicile and a number of new pension administrators are in the process of establishing businesses in Gibraltar.

2180 The amendment represented an important piece of legislation for finance centre practitioners involved in the administration of pension schemes. It opened up a line of business which had previously, in effect, been out of reach for Gibraltar. It created opportunities for pension schemes administrators and generates income from taxation for Gibraltar in respect of distributions from the imported pension schemes.

2185 With the expected increase in imported pensions business coming to Gibraltar, new pension administrators and the ability to offer more pension products, Gibraltar can develop into a truly international pensions centre over the next five years.

Mr Speaker, approximately 95 experienced investor funds have been established in Gibraltar since the 2005 Regulations came into effect in August of that year – almost half of which have been structured as protected cell companies. This represents an increase of five funds from the figure reported last year.

2190 The Government introduced new Financial Services (Experienced Investor Fund) Regulations in 2012. The new Regulations allow large funds to use reputable and substantial administrators based in jurisdictions of equivalent standing to Gibraltar. The new Regulations also allow funds to redomicile to Gibraltar, yet continue to use their existing reputable administrator, representing a significant advantage

for funds moving to the EU with, *inter alia*, the advent of the Alternative Investment Funds Managers (AFIM) Directive, due to be implemented by July 2013.

2195 Mr Speaker, this year the Government has supported joint initiatives with the Gibraltar Funds and Investment Association (GFIA). In February of this year, I addressed the FONDS 13 Conference in Zurich where I stressed that Gibraltar was well on course for the transposition of AFIM and that we were determined to hone our product range so as to become even more attractive for Swiss asset managers to consider using Gibraltar in various ways.

2200 In March of this year, I attended the Hedge Fund Brazil Forum in Rio de Janeiro. I addressed around 300 delegates at the conference and participated in a discussion panel. I said that Gibraltar had now firmly positioned itself as a strong EU alternative to Dublin and Luxembourg for the establishment of hedge funds. I am happy and gratified to report that the visit attracted considerable interest from the international media, including Bloomberg and the *New York Times*.

2205 Just a few days ago, Mr Speaker, the Finance Centre Department attended GAIM 2013 in Monaco, a conference which I attended and spoke at last year. This is an important conference for the global funds industry with all major players represented. We have received excellent feedback from the delegates, which give us good cause for optimism for the expansion of the Gibraltar funds industry.

2210 Mr Speaker, the Government is working closely with the Society of Trust and Estate Practitioners (STEP) on several proposals and pieces of legislation. Specific pieces of legislation are being enhanced and modified with the aim of making the jurisdiction more competitive for private client work, particularly as Gibraltar is a solid centre for High Net Worth Individuals. These include Anti-Forced Heirship Rules, changes to the Perpetuity Period, Private Trust Companies, Purpose Trusts and Foundations. I expect the relevant legislation to be in place during the course of this year.

2215 Upon the commencement of the Companies, Partnerships and Trusts (Miscellaneous Amendments) Act 2012 in March 2013, Gibraltar had implemented in full all of the recommendations contained in the OECD's Peer Review Report, Phase 1, published in October 2011.

2220 The Phase 1 Review had found that of the nine areas examined, Gibraltar had been judged by the OECD to be compliant in seven, with just one element 'not in place', and a further element 'in place but certain aspects of the legal implementation of the element needed improvement'. Hence, Gibraltar was permitted to proceed to a Phase 2 Review in 2014. The Government is now confident that it is fully compliant in all of these areas.

2225 The Act which we passed amended Gibraltar's Companies Act, Trustees Act and Partnership Act to make provision for the enhanced keeping of full books of accounts including underlying documents such as invoices and contracts for five years, the maintenance of records identifying settlors, trustees and beneficiaries of all trusts, also for five years, and the abolition of share warrants to bearer.

A copy of the amending Act is publicly available on the [gibraltarlaws](http://gibraltarlaws.gov.gi) website. The full text of the OECD Report is freely available via the OECD's online library and is also available as an easily-downloadable pdf on the Government website.

2230 Mr Speaker, the areas of business that Gibraltar wants to develop include: insurance, with captives, open market, general and reinsurance; pensions, in the area of QROPs; funds, in the area of asset management and alternative investment management; and private clients, in the area of structuring, headquartering and fiduciary services.

2235 The Government continues to invest heavily in growth for the Gibraltar Finance Centre. In the last 12 months, two significant senior appointments have been made, namely a Senior Executive covering each of the Insurance and Private Client sectors; and a third Senior Executive specialising in the Asset Management, Alternative Asset Management and Funds area is in the process of being recruited.

2240 The staff complement overall has doubled from 4.5 to 9 since my last Budget speech of July 2012. The increase since last year includes specific marketing and logistics support staff, which together with the new Senior Executive Asset Management and a new Personal Secretary/Personal Assistant will take the total number of staff in the Finance Centre Department to 11.

2245 The primary objective of the senior executive is to convert leads and opportunities that they instigate, into tangible new businesses coming to Gibraltar. Senior executives are charged with developing close relationships with journalists from financial newspapers, specialist periodicals and web-based media, with regular interviews and press briefings on a systematic basis, as well as journalists' visits to Gibraltar. It is the intention to extend this to individuals and media based in non-traditional markets.

The Finance Centre Department and the Senior Executives in particular are charged with producing information notes, articles and other relevant material that can be uploaded onto the website, tweeted and disseminated via LinkedIn, as well as by the Finance Centre Council association members.

2250 We also accept articles written by the private sector for the above purposes. Individuals in key markets are also being contacted directly and being invited to meetings and focused seminars/workshops by the Senior Executives as part of the education process and the theoretical use of Gibraltar to more practical levels.

2255 It is the specific objective of the Senior Executives to use the facilities available at Gibraltar House to introduce London and UK-based professionals to what Gibraltar has to offer in financial services. This will also be done in tandem and close collaboration with the private sector in Gibraltar.

2260 Mr Speaker, the Finance Centre Department launched its social media profile in April 2012, prior to my last Budget speech, and its online presence received a significant impetus at the beginning of this year with the addition of the two new Senior Executives. Particularly noteworthy has been the enhancement of our Twitter page which now has around 200 followers and plays an important part in gaining a wider audience for Gibraltar. We set up an additional LinkedIn page this year and, from that, a Group. The audience for this media is now in excess of 800 industry professionals with a national and international reach. A Facebook corporate page is also under consideration.

2265 The Finance Centre Department is at an advanced stage of launching a standalone website which will support our international marketing activities and keep communication with our industry partners.

A new marketing management system is being introduced to manage more efficiently the wealth of contacts that have been established over time and ensure that this area delivers effective results. This will support our drive to increase direct marketing activity.

2270 During the last 12 months, Finance Centre Department staff have attended 10 international conferences, including industry leading events in London, Zurich, Rio de Janeiro and Monaco. In addition to this, we have participated in numerous events covering wider areas of interest including OECD, HM Treasury and EU and of course the flagship Gibraltar Day in London event.

The Government has committed to a significant increase in the budget for use in marketing and promotions. The financial provision has been increased for this year by a third to £200,000.

2275 A fundamental element in the Finance Centre Department's strategy over the next 6 to 12 months is to ensure a significant increase in Gibraltar's profile as a centre for financial services, specifically amongst professionals, such as lawyers, accountants, funds specialists, etc, within both traditional and new markets. The means by which this is being carried out includes the following.

2280 Databases with some 2,000 individuals specialising in financial services have been created. The medium-term objective is to increase the databases to cover some 5,000 individuals, based, for example, in the United Kingdom, Switzerland and elsewhere in Europe. The databases will be widened to include professionals based outside traditional markets.

2285 The databases are used to send out key information and updates, via e-mail or hard copy, on a systematic and regular basis. The Department is beginning to use professional e-mail delivery programmes, which provide a very wide range of statistical information and helps identify, for example, which key individuals are receiving information and which appear to be taking the greatest interest. They are also being made available to periodicals such as the *Gibraltar International Finance and Business*, so that copies of third-party material are also being received by our network of professional contacts.

2290 With our increased staffing levels, we have been able to increase our presence, in conjunction with the industry, at international conferences, exhibitions and seminars, with an additional emphasis of obtaining, where possible, speaking slots.

We are identifying a number of key 'anchor' conferences per sector. Regular and systematic attendance at these events will reinforce our position within each sector.

2295 It is also important that the Department cements alliances with key international conference organisers. There will also, from time to time, be a need to attend specific one-off opportunities.

We have already scheduled attendance at a further nine major events for the remainder of 2013 and are planning to add a minimum of a further five visits to professional firms in London and major cities around the UK delivering our message on site.

2300 I have no doubt, Mr Speaker, that the increase in resources, both financial and human, and the work and efforts of all in the Finance Centre Department will pay dividends and will see increased business for those already established and licensed in Gibraltar, as well the establishment of new businesses in the financial services sector.

Mr Speaker, I now turn to Gaming.

2305 Gibraltar continues to be firmly established as a world leader in remote gaming. As an industry which constantly has to meet new challenges, the competitive nature of the gaming industry requires constant innovation by operators. And, with Gibraltar hosting the most important online gaming companies in the world, it is crucial that we keep abreast of new developments in the industry.

2310 The Government is strengthening the base of the industry by attracting more operators of the same high standing as existing licensed operators, but also including some diversification to reflect the changing and dynamic nature of the industry.

The remote gaming industry is constantly evolving. Not only does it face new and additional licensing and regulatory demands across the world, as the means of electronic communications evolve, so must its products and the way they are delivered.

Whilst the last year has seen the arrival of a number of conventional remote gambling operations, we have also seen diversification in, for example: the establishment of a company in the 'App' and HTML5



2315 environment, otherwise known as smartphone and tablet markets, aiming to draw the massive creativity  
of the App world into remote gambling whilst ensuring customer protection is at the forefront of the  
customer business model; the establishment of a company with a business model which runs in parallel to  
approved lotteries; and the creation of links by Gibraltar companies with the world's biggest social media  
2320 companies, applying Gibraltar's standards to their gaming offers as they extend into real-money gaming  
whilst keeping their social products available for those who prefer to play for fun.

These developments and relationships are designed to strengthen the licensing base whilst ensuring  
the standards and reputation of the Gibraltar industry remains pre-eminent in Europe and elsewhere in the  
world. In each case, the Government's approach to licensing continues to be selective.

2325 Gibraltar is clearly seeing the fruits of that selective approach with new companies being licensed  
whilst maintaining the very high standards which Gibraltar demands of its operators.

Last year, Mr Speaker, I attended the GiGse conference in San Francisco and visited two important  
American companies at their headquarters in Las Vegas. Both companies are now licensed in and are  
operating from Gibraltar.

2330 Also last year, I attended the EiG conference in Barcelona. The Conference was attended by over  
1,700 delegates from around the world and I had the opportunity of having a working dinner with senior  
executives of some of the top names in the industry. I also met with a major company in remote  
gambling. That company is now licensed and is operating from Gibraltar.

2335 This year, I attended the ICE conference and exhibition in London. I met with two companies. One of  
them is now licensed and operating in Gibraltar. The other has applied for a licence and I expect it to be  
operational from Gibraltar very soon.

There are currently 26 remote gambling licensed operators established in Gibraltar and four more  
applications are currently being considered. During the course of the financial year 2012-13, four new  
companies were licensed, with a total of five remote gambling licences being issued, and one existing  
licensed company also being issued with one additional remote gambling licence.

2340 Since the end of the financial year 2012-13, two more new companies have been issued with remote  
gambling licences. One of our existing licensees ceased remote gambling operations with effect 31st  
March 2013.

2345 As of 31st March 2013, Mr Speaker, the total number of employees in the remote gambling industry  
stood at 2,647. This is an increase of 400 posts over the past financial year. This figure is expected to  
increase modestly over the next few months.

In terms of GDP contribution, Gambling and Betting activities is estimated to contribute 21.6% to  
GDP and represents 13.2% of total employee jobs. This includes all employers trading in gambling  
activities. Remote gambling is estimated to contribute 21.3% to GDP and 12.4% of total employee jobs.

2350 The Government Revenue from remote gaming tax for 2012-2013 has increased to £12.1 million from  
£10.7 million in 2011-12. Remote gaming represents 95.28% of the total gaming tax yield of £12.7  
million for 2012-2013, the remaining £0.6 million gaming tax being in respect of domestic gaming.

PAYE from remote gambling operators totalled £17.9 million for the period 1st April 2012 to 31st  
March 2013, with an additional £0.3 million for domestic operators.

2355 Corporate tax received from gambling operators for the same period currently stands at £17.2 million,  
although a number of licence holders have yet to conclude their financial statements and make the  
relevant payments.

Overall, direct Government revenues from gaming duty, PAYE and corporate tax from gaming  
operators have increased by £2.5 million from the previous year.

2360 Mr Speaker, the Government is mindful that the demands on the Government's Gambling Division  
continue to grow, especially with the influx of B2B licensees in addition to the increased number of B2C  
licence holders; consequently an additional EO post has been introduced in the Gambling Division to deal  
with the increasing volume of due diligence and company record checks arising from the new business  
relationships the B2B and B2C licence holders create.

2365 Additionally, the Government has taken steps to consolidate the establishment of the regulatory  
section within the GDC. A vacant post of Regulator will be filled very shortly. Consequently the staff  
complement at the Gambling Division will consist of seven individuals, up from five in the last financial  
year.

2370 It needs no saying, Mr Speaker, that it remains essential that our operators continue to provide their  
services to the highest standards in the industry and, whilst we are confident that they already have the  
systems and infrastructures to do so, efficient and effective administration and regulation are key to  
maintaining the high global reputation we have. In this regard, during the course of this year we have  
seen, once again, regular liaison between the Gambling Division and the licensing and regulatory bodies  
of other states, including visits to Gibraltar by the US, Canadian and European regulators as well as  
attendance at European Commission and other international events.

2375 Mr Speaker, an issue on the horizon for Gibraltar and our operators remains the proposed introduction  
of a Point of Consumption Tax in the UK. As I reported last year, there is intense opposition to these

proposals. The Government is aware of a possible industry challenge to the UK Government's proposals, if they persist with the proposed licensing and taxation measures.

2380 The Government will naturally continue to support all efforts to defend Gibraltar's well earned and established gaming industry.

The Government has highlighted to UK Ministers and HM Treasury officials the serious threat that such a move could bring about for Gibraltar, given the key income streams this sector generates for our economy. This will, therefore, remain a vital issue which needs to be carefully monitored.

2385 Mr Speaker, it will be recalled that earlier this year, the Gibraltar Government sent a top level delegation to Brussels to address MEPs on the Rock's gambling sector, amongst other things, where the Chief Minister briefed the European Parliament's Internal Market and Consumer Protection Committee and told MEPs that Gibraltar was setting the standard for regulation in the fast-growing gaming industry and that the companies based in Gibraltar were operating to the highest standards of probity and integrity. It is the Government's firm belief and commitment that those high standards will continue to be met by  
2390 all operators in Gibraltar.

Mr Speaker, I now turn to Telecommunications.

2395 Mr Speaker, the e-gaming industry, together with Gibraltar's finance centre and, indeed, other businesses, have a high dependency on state-of-the-art communications. Local telecoms companies have invested significant funds over the years in providing diverse and resilient international fibre optic routes. These companies continue to invest in infrastructure and I am happy to report that internet service providers in Gibraltar already provide next generation communications networks. These new networks provide some of the highest internet broadband speeds available in the European market. The technology is engineered to maximise the use of existing copper networks to produce internet download speeds of up  
2400 to 100 Mbps, depending on the quality of the copper together with the distance from the new fibre nodes and related electronics being put in place currently throughout Gibraltar.

These systems cater for multi-media services to the extent that the technology allows television to be provided down telephone wires, if so required.

2405 The way people connect to the world nowadays continues to expand and be ever more vital. Through the internet, individuals can communicate and share data with each other, whether for business or just communicating with family and friends.

2410 Through the proliferation of smartphones, tablets, laptops and other mobile devices the public can now connect to the internet virtually anywhere, and at any time. The availability of Wi-Fi hotspots, affording additional mobility, continues to increase. Advances and investment in fixed line and mobile technology is facilitating the availability of higher broadband speeds, making for faster transmission of data.

The European Commission's target is for 30 per cent of households having at least 30 Mbps by 2020. In Gibraltar, telecoms companies aim to cover 95% of addresses before the year end. The penetration rate, per capita, for broadband services currently stands at around 41%, with the EU average being 28.2%.

2415 These figures are to be welcomed, and would not be possible without continuing investment in infrastructure. This is something for which Gibraltar is recognised by the online gaming sector. Without such a robust and high quality foundation, Gibraltar would not be able to cater for these demanding e-commerce businesses.

2420 Another vitally important area is the provisioning of data centre services. Gibraltar is also host to a number of companies that provide technologically advanced data centres located in secure sites around as well as inside the Rock itself. A comprehensive suite of services and solutions are available in Gibraltar, from traditional co-location to fully managed solutions, designed to meet the current and future needs of an organisation in this evermore interconnected world. These data centres employ the latest industry standard technologies, including cooling and standby power, and are Payment Card Industry (PCI) accredited.

2425 Data centre services are also supported by technologically advanced Network Operations Centres that operate round the clock every day of the year.

Mr Speaker, I have responsibility for certain aspects of the work carried out by the Gibraltar Regulatory Authority, under the provisions of the Communications Act 2006.

2430 The GRA is an independent authority which regulates electronic communications, which includes broadcasting networks, radiocommunications and licensing of the radio spectrum, and international co-ordination of satellite networks and licensing.

There are seven companies operating under the regime created by the Communications Act 2006 providing a variety of fixed and mobile networks and services.

2435 Currently, there are two active mobile operators, Gibtelecom and Eazitelecom. Eazitelecom, trading as Shine, has launched a pre-paid mobile service which will be expanded by the end of the year.

This year, CTS was removed from the register of authorised operators for failing to renew two licences and pay the statutory fees. As a result, CTS was directed by the GRA to stop operating its mobile network.

2440 In December 2012, A J Sheriff Electrical Limited, trading as Gibfibrespeed, was authorised under the Communications Act 2006 to provide an electronic communications network in Gibraltar. During the year, the GRA on my behalf, as Minister with responsibility for Communications, issued a public consultation under the Communications Act 2006 in relation to the procedure proposed to be adopted for the application for a right to instal facilities under section 49 of the Act. The form of application was also published and annexed to the public consultation.

2445 The GRA highlighted that persons authorised to provide a public electronic communications network who are granted a right to instal will still be subject to the necessary planning permits being obtained as well as the appropriate agreements with the relevant landlords.

2450 The GRA invited interested parties to make representations on the proposed procedure and replies were received from companies who provide fixed and mobile networks and services in Gibraltar. After having considered the views of all respondents, the GRA set out its response and its procedure for applications under section 49 of the Act has been established.

2455 The Satellite Division of the GRA is responsible for representing Gibraltar at international meetings and ensuring that the satellite operators comply with the International Telecommunication Union's (ITU) Radio Regulations and all other international obligations. The Division liaises closely with the UK Administration to submit new filings to the ITU, but the main workload comes from processing the international correspondence for each individual satellite project.

2460 The GRA collects Administrative Charges from providers of electronic communications services and networks, radiocommunications licence fees and other reimbursements. During the 2012-13 financial year, the total collected under the Communications Act was £1,976,612, which was paid into the Consolidated Fund. The figure is slightly lower than estimated because CTS did not pay its licence fees.

I will now give an update on to the conversion – although it was touched upon by the Chief Minister this morning – to digital broadcasting. Gibraltar's digital broadcasting network was launched in December 2012. The transmitters have been located at the Upper Signal Station on the Upper Rock.

2465 Gibraltar's new national digital TV network, replaced the analogue TV network which was switched off on 31st December 2012. This switch-off was agreed at an EU and international level, an objective the Government was committed to fulfil within the given deadline.

2470 The arrival of digital television, and the switching off of the analogue TV network at the end of 2012, is a very positive move for Gibraltar. Not only has this new digital service offered TV viewers with a clearer picture and better sound quality, there is also great scope for additional TV channels, information services and high definition television.

Digital TV also has an added benefit in that it is more efficient than traditional analogue TV because it uses less space in the broadcast spectrum band and frees up space which could be used for other purposes, such as the provision of mobile or broadband services.

2475 The launch of the digital TV network also marked the start of 'Gibraltar Freeview', a free-to-air service on the new digital terrestrial television platform. This TV service will allow other licensed broadcasters to offer new channels, for both TV and radio, and will widen the choice of programmes and information services for Gibraltar.

Mr Speaker, lastly I turn to Justice.

2480 I would start my contribution on Justice, Mr Speaker, by congratulating Mr Liam Yeats, who was recently appointed Registrar and Additional Stipendiary Magistrate of the Supreme Court. I also congratulate Damian Conroy, who was recently appointed as Senior Crown Counsel at the Attorney General's Chambers. I am sure that in both cases these appointments are well earned and deserving.

2485 Mr Speaker, the Government successfully commenced both the Criminal Procedure and Evidence Act 2011 and the Crimes Act 2011 with effect from Friday, 23rd November 2012. The two Acts, which were passed by Parliament before the change in Government, have brought about a major change in the criminal justice legislation. New procedures and rights for suspects have been introduced as well as new criminal offences. The Acts strengthen the ability of our law enforcement agencies to combat crime and anti-social behaviour and provided for the first time comprehensive codes of practice for the exercise of these powers.

2490 In order to commence these Acts, the Royal Gibraltar Police, Customs and the Courts Service all required specific training on aspects of the laws and also needed to create and implement new procedures and manuals dealing with every aspect of the criminal investigation, from initial searches, to the dealing with seized property, to the detention, treatment and questioning of persons in custody.

2495 As I mentioned at the time, and time has shown, our law enforcement agencies have demonstrated that they are up to that challenge.

As a consequence of the commencement of the Crimes Act, what is commonly known as a 'sex offenders' register' is now in operation in Gibraltar. Furthermore, regulations have been made under this Act dealing with travel by persons on the register.

2500 On other legislation, Mr Speaker, various amendments have been made to the Supreme Court Act during the past year. The Act has been amended so as to allow the Chief Justice to nominate more than

one puisne judge as a 'Family judge' and also to give the Chief Justice the discretion as to what work other than pure family work he allocates to such judges. This is intended to ensure that the Chief Justice is able to utilise the resources available to him in whichever way he deems most suitable in the interests of justice.

2505 Further amendments have been made to this Act in order to increase the maximum age for justices of the peace, from 70 to 72, and to allow justices of the peace to be entered into the Lay Assessors List.

The Government enacted the Employment (Public Interest Disclosure) Act in order to provide for what is commonly known as 'whistle-blower protection'. The Act provides protection for people who come forward to provide information about abuse or other wrongdoing.

2510 Mr Speaker, pursuant to our manifesto commitment to legislate against hate crimes which are not currently specifically prohibited under the Crimes Act 2011, the Government will shortly be publishing a Bill. Specifically, this Bill will make provision for the creation of hate crimes based on sexual orientation and disability and also providing that the courts must, where it is a contributing factor to an offence, take hatred on the grounds of race, sexual orientation, disability or religion into account as an aggravating factor when sentencing.

2515 The drafting of a Bill for a law on civil partnerships, which is to be published as a command paper is nearing completion. The Bill is currently being reviewed and amended to take into account recent decisions of the Supreme Court.

2520 A draft Bill for a Companies Act has been finalised and it is intended that it will be published in draft form for consultation very shortly. This will completely update our companies legislation which is currently based on the UK's 1929 Act, but with various amendments over the years.

2525 The drafting of various regulations and forms required to be able to commence the Insolvency Act is almost complete. Given the correlation between the Companies Act and the Insolvency Act, it is intended that the Insolvency Act and subsidiary legislation will be implemented at the same time as the new Companies Act.

2530 Mr Speaker, as has been highlighted already, for the first time in modern history, Gibraltar is completely up to date with the transposition of EU Directives. The milestone means that every EU Directive that Gibraltar is required to implement has now been written into local legislation. The development is significant because it signals Gibraltar's commitment to serious governance and compliance with international obligations.

2535 This achievement reflects the priority that the Government has given to this matter since being elected into office on 9th December 2011. In order to achieve this milestone, the Government has recruited and increased the number of legal drafters in the EU and ID Department and the LSU, and has restructured that Department. I take this opportunity to congratulate Mr Michael Llamas QC, the Government's Chief Legal Adviser and all of his staff on their work which has led to this historic achievement.

2540 Mr Speaker, the past year has seen significant improvements in the performance and services provided by the law courts. The completion of the new building, the provision of additional courtrooms, more court staff and the introduction of new administrative procedures have brought about the removal of the backlog of criminal cases waiting for trial dates in the Supreme Court. Furthermore, there has been a complete removal of the backlog of civil and family applications to the Supreme Court that were waiting for first hearing dates.

2545 The Government's increase of staffing to the courts now means that the vast majority of applications receive a first hearing date within five days of application. This is a dramatic improvement on the historical position, where court users had to wait many months to have their application listed. Also, the dates of those hearings are typically within two or three months of the date of application to the court.

Again, this is a dramatic improvement on the delays that the justice system used to experience.

2550 The introduction of the new videolink system between the courts and HM Prison has also introduced further efficiencies to the criminal justice system. The investment in this system has released considerable hours each week for both Prison officers and Police officers, time that can more effectively be used in other areas.

2555 Mr Speaker, in last year's Budget I mentioned the benefits that have been seen in the Magistrates' Court as a result of the introduction of the videolink system. The contract for their installation includes a further videolink for the Magistrates' Court and additional units that will be added to the Supreme Court. These additional units will give the court the ability to better handle the needs of vulnerable witnesses or victims, so that they can give evidence to the court without the stress of having to physically appear in the court itself. The courts will also be able to handle hearings where a party may be unable to travel to Gibraltar to attend court. Videolink has already been used with a vulnerable witness in a criminal case and has been offered for use in a family case.

2560 To further help the work of the staff in the Supreme Court, a new computer diary system is due to be installed to replace the current paper-based system. Not only will this help staff dealing with enquiries about pending hearings, but the system will also be able to give e-mail confirmation to the applicant's

lawyers of the hearing dates set by the court. The daily court list from the new system will also be automatically updated and shown on the display screen in the Supreme Court lobby.

2565 The Gibraltar Courts Service website continues to be developed. Supreme Court sentencing pronouncements are now added on to the website as a matter of course, setting out the details of any criminal sentences set down by the court. This is an important addition in the work to increase the availability of information on the justice system.

2570 Further work is also being carried out to look at adding all reportable Supreme Court judgments on to the website, which will be of assistance to the local Bar.

Mr Speaker, in addition to the appointment of the Registrar/additional Stipendiary Magistrate to the courts, we have also seen staff added to the courts; bailiffs, ushers and typists, with further administrative staff to be appointed shortly. This investment in additional staff, together with the removal of many of the backlogs from the courts, will ensure that we achieve and maintain the performance improvement which we expect from a modern and efficient court service.

2575 With regard to the Prison, Mr Speaker, as I have already mentioned, we have already seen the introduction of the new videolink which has significantly reduced the impact on resources required to manage the weekly escort operations. At times, these involved the movement of over 20 prisoners, presenting challenges not only to the Prison, but also to the Royal Gibraltar Police. It is an excellent example where the introduction of technology can be of great benefit, both in terms of reducing workload and improving security.

2580 The main area of concern for 2012 was the rising Prison population. This had risen steadily over the last five years. The average daily inmate population for 2012 stood at 75 prisoners, the highest on record. Managing such numbers, at times reaching 85 prisoners, can be challenging in many respects.

2585 Interestingly, Mr Speaker, a marked decrease in the average population has been noted since December 2012 and throughout the first quarter and subsequently in 2013. The average daily inmate population for January 2013 stood at 65 prisoners; the figure for March being 56 prisoners and in May 40 prisoners. For the first four months of 2013 there have been a total of 57 admissions into prison custody. This compares with 94 admissions for the same period last year.

2590 Between June 2012 and May 2013, there have been a total of 16 female admissions and 6 juvenile admissions. Juveniles are provided, when necessary, with educational classes by a qualified teacher.

Mr Speaker, some aspects that prison management will be focusing on during the next 12 months include enhancing vocational training opportunities for prisoners, mandatory drug testing and continuing specialist training for prison officers. Some of these initiatives are new and all are necessary and the Government is pleased to support them.

2595 Mr Speaker, on international co-operation, we recently had the case of a five-year-old autistic boy who was reported missing in April of this year. Further to a locally issued Letter of Request and a European Arrest Warrant, the RGP and other local agencies were able to obtain the assistance of Interpol and the German authorities in order to trace the child and his mother in Germany.

2600 The child has been successfully returned to Gibraltar and is with his father. His mother is under arrest in Germany and is awaiting extradition proceedings in order to bring her back to Gibraltar to face charges of child abduction.

2605 I would like to record my appreciation to all those that were involved in this case, including those who worked on the Letter of Request and the European Arrest Warrant, which were instrumental in allowing the German authorities to carry out investigations, locate and return the child, quite rightly, to his father in Gibraltar.

The Royal Gibraltar Police is operating four District Offices in Glacis Estate, Edinburgh Estate, Lower Castle Road and Witham's Road. Neighbourhood officers work from these offices responding to community issues. The intention and expectation is for these offices to be operated as multi-agency bases in the community.

2610 Sixteen bicycles have been bought and will be deployed at the district offices. They will provide a versatile and environmentally-friendly mode of transport which will enable neighbourhood officers to more effectively patrol their sectors.

2615 An extension of the Neighbourhood Policing concept is to engage with the community through social media. A revamped website has been launched and a Facebook page created, together with Twitter feeds. All of these mechanisms provide virtually instant methods of communication with the public and have had great success.

2620 The RGP has pioneered live Facebook clinics in Gibraltar. Six of these have now been held, dealing with neighbourhood issues in each of the four areas. The most recent had over 1,000 users engaging during the hour long session and over 4,000 have viewed the discussion since.

A Public Protection Unit has been set up comprising of a sergeant and two constables. The intention is for the team to deal with sex offender management and offender management. Parallel to this is a detective sergeant and two detective constables, comprising the Safe Guarding Unit, which, in liaison

with the Care Agency, investigates and deals with matters relating to vulnerable children, domestic violence and sexual offences.

2625 Officers of both units have received training and secondments to prepare them for their specialist roles.

Three new vessels have been received and are now deployed operationally by the RGP's Marine Section. The *Sir John Chapple* and *Sir Francis Richards* are two high powered interceptors capable of navigating at high speed and are ideally suited to combat drug trafficking and other illicit activity at sea.

2630 The recently acquired *Sir William Jackson* is a large vessel capable of remaining at sea for extended periods of time and provides a stable and well prepared vessel to co-ordinate and undertake operations at sea.

2635 The Royal Gibraltar Police has taken delivery of further new equipment to tackle and deter unlawful activity out at sea and especially the dangerous use of high speed craft that has endangered bathers at Gibraltar's busy beaches.

A new jet boat and two jet skis will enable officers from the RGP's Marine Unit to police shallow waters and respond at high speed to anti-social behaviour at sea. The jet boat and jet skis will provide a continued presence at Gibraltar's beaches throughout the summer, alongside the RGP's patrol vessel, the *Sir William Jackson*, which will act as a base ship. The jet vessels will act in support of shore based officers, policing the beaches and the lifeguards on duty.

2640 The seconded Highways Enforcement Officers continue to support the Traffic Unit with traffic management at choke points, at the beaches and in dealing with traffic offences and parking issues.

2645 The installation of CCTV has served as a successful deterrent and is a useful mechanism to prevent and detect crime. The continued future deployment of cameras will further strengthen the RGP's capabilities to combat crime and gather evidence.

2650 The first phase of the Government's Public CCTV Programme went live on 10th September 2012, coinciding with National Day. CCTV cameras are located at: Casemates Square; the top of Casemates Hill; to the east of Casemates covering the Landport Tunnel; in the Market Place bus station; covering Waterport Road in both directions; Cornwall's Parade; the top of Castle Steps; Irish Town outside Central Police Station; and Governor's Street.

The project also involved the laying of a dedicated fibre optic cable from Central Police Station to New Mole House in order to allow the monitoring of the camera feeds by the Royal Gibraltar Police from its Control Room. The cost of the equipment and works was £197,467.02.

2655 The Ministry of Justice has worked closely with the GRA's Data Protection Compliance Manager to ensure that the Public CCTV Scheme meets all obligations under the Data Protection Act.

2660 The installation of the cameras has proved to be an invaluable asset to the RGP in deterring anti-social behaviour and in their fight against crime. The RGP has recently procured and is in the process of installing a video wall monitor solution for its Control Room, comprising of twelve 46-inch screens which will allow for the optimum viewing of the CCTV camera feeds. The cost of this is around £53,000.

Following recommendations by the RGP and calls from residents requesting the installation of CCTV cameras in other areas around Gibraltar, the Public CCTV Programme will over the coming months be extended to include Mid Harbour Estate, Catalan Bay Village, Laguna Estate, Glacis Estate, Moorish Castle Estate and Engineer Lane Garden.

2665 Proposals for camera locations within the Government Housing Estates have been drawn up by the RGP and consultation with the Estates' Tenants Associations has taken place.

2670 Mr Speaker, the RGP is currently engaged together with other Criminal Justice partners and the Government's IT and Logistics Department in setting up a fit for purpose IT infrastructure platform suitable for the whole of the Criminal Justice System. A scoping exercise has been completed and the results will be presented shortly to the Government's IT & Logistics Department for consideration. Such a system will serve to improve service delivery within the whole spectrum of the Criminal Justice System.

2675 The RGP continues to invest in the professional development and training of its officers: a Superintendent has attended the Senior Command Course in Bramshill in the UK and a Chief Inspector has taken part in a Police, Leadership and Management Course with the Federal Bureau of Investigation in the US. Police Cadets have been recruited in a joint initiative with the Ministry for Enterprise, Training and Employment and are receiving instruction in policing and other skills, which will serve them well in later life, whether in the Police or elsewhere.

2680 Also the Royal Gibraltar Police has this year achieved the Investors in People Bronze Standard and is working to progress to the next level.

Mr Speaker, I would like to take this opportunity to thank my staff and all those areas in my various Departments as well as the many professionals in the areas which form part of my ministerial responsibilities, for their hard work and support throughout the year.

I would end, Mr Speaker, by referring to one other matter which arises from the work of an inter-ministerial committee of which I form part – the small boats marina.

2685 The previous Administration promised in 2007 that they would provide additional berths for small boats. They provided none whatsoever by the time they were removed from office in December 2011. In fact, there were some boats which were forcibly removed from the sea by the previous administration and placed on land.

2690 There were therefore less boating enthusiasts who were able to enjoy their small boats at the end of 2011 than there had been in 2007.

In our manifesto, we promised 700 new berths for small boats – and that is precisely what we are going to deliver before the next elections are called. There will be 400 berths for six-metre boats and 300 berths for eight-metre boats. In addition, we will create around 500 metres of new wharfage, together with a public promenade for the whole community to enjoy.

2695 All the necessary studies, including an environmental impact assessment, have been carried out and the matter has been referred to the DPC. I expect works to start on the new marina in July of this year, with completion in two years.

In the course of drawing up plans for the new marina, we have met and consulted with all relevant stakeholders. Since we announced the project, we have met again with representatives of the Mediterranean Rowing Club, the Calpe Rowing Club, the Gibraltar Amateur Rowing Association and the Royal Gibraltar Yacht Club. Following these discussions and as communicated to them, we have modified the entrance to the marina to ensure that there are separate dedicated channels for rowing and sailing boats on the one hand and motor boats wishing to access the new marina on the other. Motor boats berthed at the new marina, therefore, will have a separate demarcated channel to that used by boats from the rowing and sailing clubs.

2700 Mr Speaker, the new marina is but one of the many commitments we made in our manifesto. We have already completed more than 200 of those commitments, with many others being either ongoing or about to start. It was undoubtedly an ambitious manifesto, but one which we were sure we could deliver.

2710 Our manifesto, Mr Speaker, was said by our political opponents to be too ambitious, that it could not be delivered, that it was unaffordable. The work we have already done and that which will be done during the forthcoming year shows that what we have promised *is* being delivered, *can* be afforded and with money left over, as the Chief Minister announced this morning in delivering this Budget, with an all-time record surplus of £37 million. All of this is part of the Government's aim to bring about a positive and long-lasting change to Gibraltar.

2715 In my address, Mr Speaker, I have talked about progress, achievement, and this Government's commitment and willingness to invest in our future, and the future of our children. We are all as excited today about the work we are doing for Gibraltar as we were on 9th December 2011, when we took office. I and my colleagues are grateful to the people of Gibraltar for their trust, for allowing all of us the opportunity to get on with the serious business of not only making Gibraltar a world class jurisdiction for business, but also a safe, socially inclusive and diverse homeland, to be enjoyed by its people, visitors and friends.

2720 Thank you, Mr Speaker. (*Applause*)

2725

#### ADJOURNMENT

2730 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I note that there is less than half the Opposition here, but I would take this opportunity to, before I move the adjournment, simply invite those who are left to come to the public rally that we are holding at eight o'clock at the John Mackintosh Hall to launch the Albert Isola manifesto.

I move to adjourn the House now to 9.15 tomorrow morning.

2735 **Mr Speaker:** I will now put the question that this House do now adjourn to 9.15 tomorrow morning. Those in favour? (**Members:** Aye.) Passed.

The House will now adjourn to tomorrow morning at 9.15.

*The House adjourned at 7.25 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 12.45 p.m.

Gibraltar, Tuesday, 25th June 2013

## The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

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

### PRAYER

*Mr Speaker*

## Order of the Day

### Appropriation Bill 2013

**For Second Reading**

**Debate continued**

**Clerk:** Sitting of Parliament, Tuesday, 25th June.  
Second Reading of the Appropriation Bill 2013 – Budget speeches continue.

**Mr Speaker:** The Hon. Mr Neil Costa.

5 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, it is always with a great deal of anticipation that I stand to deliver my Budget Address. As this House knows, this is my sixth Budget Speech and my second as Minister for Tourism, Commercial Affairs, Public Transport and the Port.

10 Without an ounce of exaggeration, I can tell this House that it has been, and continues to be, an absolute privilege and honour to be able to continue to serve our community during this last financial year



in the areas of responsibility entrusted to me by the Hon. the Chief Minister. And what a productive year it has been, Mr Speaker.

15 It is in order to be able to highlight the most important aspects, as well as making the relevant announcement for this financial year, that I intend to take each of my constitutional responsibilities in turn.

20 In the first place, therefore, I address Consumer Affairs. As the public may recall, the Department of Consumer Affairs became part of the Commercial Affairs portfolio in June of last year. The allocation of this responsibility under the auspices of my Ministry, Mr Speaker, is in pursuance of a central plank of the Government's manifesto, to establish an Office of Fair Trading.

25 This House may also recall that Ken Kinrade, the retired Chief Executive Officer of Fair Trading and Trading Standards Office of the Isle of Man, was invited by my Ministry to travel to Gibraltar to assess our legislative, regulatory and infrastructural architecture to advise the Government on how best to proceed to establish an Office of Fair Trading in Gibraltar.

30 During Mr Kinrade's visit in January of this year, he, together with Mrs Maruchi Riso, the Director of Consumer Affairs, met with the Chamber of Commerce, the Gibraltar Federation of Small Businesses and other relevant persons with an interest in commercial affairs.

35 Apart from a fact-finding mission, Mr Kinrade was also provided with two briefing documents from the Trade Licensing Authority and the Consumer Affairs Department, which contained their recommendations as to the functions that should be undertaken by the Office of Fair Trading/Trading Standards Office and how it might be structured.

40 It therefore pleases me greatly, Mr Speaker, to confirm that the first draft of this critical piece of business legislation is ready and has already been forwarded to the Chamber and the GFSB for their comments and proposed revisions.

45 Whereas I will of course make a full announcement at the appropriate juncture, Mr Speaker, the legislation will not simply establish the Office of Fair Trading – it will also, just as importantly, address a perennial bugbear – and rightly so – of the business community, which is the need to form a one-stop shop to make that quantum leap that Gibraltar requires in commercial matters to make her even more attractive, not just to potential foreign investors but persons locally who wish to set up a business. A crucial step therefore in the Government's drive to foster entrepreneurship, this of course, without mentioning the raft of measures that the Hon. the Chief Minister mentioned yesterday in his Budget address.

50 Mr Speaker, the proposed Bill will not stop at the one-stop shop. The Bill will also, and once and for all, also redress another major complaint of the business community, which is to modernise and overhaul the Trade Licensing system. Once the GFSB and the Chamber revert with their comments, the draft Bill shall be presented as a Command Paper for wider public consultation, after which the Bill will be presented to Parliament.

55 Laws without enforcement can, in the main, however, Mr Speaker, prove pointless. As a result, it is the intention of Her Majesty's Government of Gibraltar to provide the Office of Fair Trading with the adequate and necessary resources so that the legislative provisions therein will have teeth.

60 And at this point, it is right that I should applaud the tireless work of the staff of the Department of Consumer Affairs. It is unquestionable that they undertake a wide range of duties, providing a high level of service under historically less than ideal circumstances and are nonetheless committed to doing their very best for consumers and in assisting the retail industry. To this end, and something that not many people know outside of this house and indeed traders, they are also responsible for calibrating all the petrol stations and supermarkets in Gibraltar, as well as dealing with between 600-800 consumer cases every year – a formidable work load indeed.

65 Mr Speaker, the House will recall that this year the Government brought in the Indication of Prices and Invoicing Rules in April 2013 and, bearing a short leeway to traders, this will make shopping a good deal easier and better in Gibraltar. We hope to have traders exhibiting prices in shop windows as well as in the shops, prominently and in line with the rules.

70 The House will also recall that the Small Business Board, which I established last year, has now met numerous times and has identified various problems facing small businesses in Gibraltar. We continue the process of discussion and seeking solutions to difficulties raised and we expect to be in a position soon to make various recommendations to the Cabinet.

It is to be pointed out, Mr Speaker, at this juncture that I must applaud the efforts of the GFSB and the Chamber who have, under the auspices of the Small Business Board, worked together to be able to put to the Small Business Board joint recommendations which we will in turn put to the Cabinet.

As the Minister for Commercial Affairs, I can say on behalf of the Government, that we are fiercely committed to increase, wherever possible, the opportunities available to entrepreneurs whilst ensuring that the ultimate consumer is properly protected. I therefore very much look forward to elaborate and progress discussions with the Small Business Board.

75 The public will also remember, Mr Speaker, that as a result of matters raised at the Small Business Board, the Business Support Unit, under the auspices of my Ministry, held two seminars. One of them, on indication of prices and will soon hold its fourth seminar; the second – on exploring solutions to the challenges posed by online sales.

80 The Trade Licensing Section, which is also part of my Ministerial remit, has had their historical computer problems resolved. As the House will recall, the GFSB is now represented on the Trade Licensing Authority in order to correct a historical issue.

85 I now turn, Mr Speaker, to my transport responsibilities, in general, and, in particular, the Gibraltar Bus Company. The House will recall that in 2012, the Government advertised the pre-qualification of the tender for the Eco Friendly Buses. Out of the companies that applied for this tender, and as part of the second stage of this process, two companies were selected as meeting the requirements of the tender. As the public will have witnessed for themselves, buses are being tested on our roads. Once this stage of the process is complete, the Tender Board will make its recommendations to the Government.

90 Mr Speaker, I eagerly await the day that we will be able to announce the successful completion of the tender process and replace the current fleet with environmentally friendly vehicles. It pleases me to note that on the recommendations from the directors of the company and the managers, the Bus Company has reduced the costs of the company, by having wages and salaries prepared, too by the Treasury. Electrical works which were conducted by a sub-contractor are also now conductor by GIB Elec.

Mr Speaker, I am sure that the House will have welcomed the introduction of the 18th July of last year of the new Route 7, to meet the demand for a service to Mount Alvernia. The route has certainly been welcomed by the visitors, the residents of course and the Mount Alvernia Trust.

95 Certainly, this route was a need that was promptly addressed by this Government on entering office which saw the need to do so on hearing the representations from the general public and the Mount Alvernia Trust. Following more feedback from the users of this route, on 31st July of last year, the Bus Company extended the route to service Linewall Road, thus making it more accessible to other bus users who visit this area.

100 Mr Speaker, on 20th March of this year, the Bus Company also introduced a brand new bus, a Ford Transit Trend Mini Bus to service the route. In August of last year, you will recall that new bus routes were introduced. The new routes have received overwhelming approval and support from the general public save for representations on two additional routes being requested, on which I will elaborate below.

105 In respect of one of the routes that have been requested, and based on the recommendations from the directors and the managers. The comments were taken on board and in September last year, routes 8 and 9 were introduced. These two new routes have proved to be very popular with users, and the record shows that, by introducing them, it has eliminated complaints received by the Bus Company over the chronic delays of the route 4 bus, which we inherited.

110 Mr Speaker, the second representation stems from residents of the South District and I can also confirm that they will very soon see a solution to the various representations received. I hope to be able to be in a position to make an announcement later on this month.

115 Further, Mr Speaker, in order to improve communication with the public, the Bus Company introduced a user-friendly website that is constantly updated. It has added a totally new concept to our users with its feedback section, and it has also seen the introduction of a Facebook page that has interactivity between the website and vice versa. Additionally, facilities for the mobile-optimised version of the Company's website can be accessed by most smart-phones.

In addition, Mr Speaker, and as pledged at my last Budget speech, a new bus shelter was installed in the Shorthorn Estate bus stop in April of this year. Further still, following representations from the Senior Citizens Association, two new bus stops, inclusive of shelters, were installed in both directions in the area of Bishop Canilla House. This has made the area more accessible for our elderly.

120 In turning to the taxis, Mr Speaker, the House will note that the Government's publicly stated commitment to work with the Gibraltar Taxi Association – the GTA – to resolve their concerns and improve the service available to the community. The work done is well underway and tests have established the effectiveness of the newly incorporated taxi meter against a modern, reliable and cost effective dispatch system. The tests will establish communications between the vehicle and a central office. The installation of these newly incorporated taxi meters will also allow all the vehicles job details to be tracked.

130 As part of Government's commitment to further improve the taxi service, a joint effort between the Ministry of Transport and the Ministry of Traffic will see the deployment of several transport inspectors. These officers will be seconded to the Driver and Vehicle Licensing Department and will be trained, not only to police and to ensure the improved taxi service, but to guarantee that other modes of transport, such as buses and heavy goods vehicles, adhere to all regulations and safety requirements.

In addition, the Government, in close consultation with the GTA, has also established a client charter. This document will be placed in every rank to ensure transparency and the right to information.

135 Mr Speaker, the Committee of the GTA and I, are quietly confident that all of the above measures, in addition to the legislative changes that I will announce shortly, will address the lack of a proper city service at certain times.

If it does not, then we will return to the table to see what changes will need to be made. It goes without saying, however, that we have met as many times as we have felt necessary to produce what we think will immediately produce a workable solution to the city service. What this Government will not do, Mr Speaker, is to do nothing to resolve the situation by trying to find solutions with the GTA and then unnecessarily threaten to issue more taxi licences on the eve of a general election and then do sweet nothing for the next four years.

140 As the Minister responsible for Transport, I wish, from this House, to acknowledge support and applaud the GTA and the other entities' efforts in working with the Government to ensure that the general public – both residents and visitors alike – benefit from an improved taxi service.

145 It is important that we do not forget that taxi drivers are important tourism ambassadors and play a key role in Gibraltar's tourism industry. In this respect, I can say that I have found in the GTA and in the individual members that I have met, willing participants in furthering the aim of the Government to provide an effective and reliable taxi city service.

150 Mr Speaker, on that note, I now refer to my responsibilities for the Gibraltar Port Authority and the Gibraltar Maritime Administration.

Turning first to the Gibraltar Maritime Administration, I can tell this House that they are indeed exciting times. I am pleased to report on the successful progress of the Gibraltar Maritime Administration, which, despite the global economic downturn, continues along a steady path of growth in terms of its overall fleet and resources.

155 Firstly, in respect of Gibraltar Ship Registry; Mr Speaker, as I have previously noted and in a clear sign that the Government's new focused marketing strategy of the Maritime Administrator and staff travelling to personally meet ship owners is certainly working, given that the number of commercial ships on the Gibraltar Ship Register has increased by 5%. In other words, meeting owners face to face has had an immediate impact in attracting new vessels to Gibraltar. 2012 was a record year for new registrations, with 58 brand new vessels. This trend appears to be holding, Mr Speaker, with 22 new ships registered as at the end of May of this year.

160 Significantly, the overall gross tonnage jumped nearly 50% in one year, from 2.1 million in December 2011 to 3.2 million in December 2012. The current overall gross tonnage now exceeds 3.5 million in April of this year. Larger, high value ships are now being registered on the Gibraltar flag, attracted by the quality services being offered, not just by the GMA, it must be said, but also by the local ship representatives and financial institutions.

165 Crucially, Mr Speaker, and this is an important point, I have to point out that, notwithstanding the increase in the number of vessels and tonnage, the quality of the fleet is being maintained, with an equivalent number of vessels turned down in pre-registration in the last year, as they did not meet the high standards of the flag. Furthermore, the mean average of the commercial fleet remains at nine years, despite the increase in numbers. This is indicative of the number of newer vessels being brought over to Gibraltar and being registered.

170 I now turn, Mr Speaker to the Gibraltar Yacht Registry. Like with the Ship Registry, the Yacht Registry continues to make its presence felt, in terms of marketing and fleet growth. My Ministry with the GMA is developing a comprehensive marketing strategy for the Yacht Registry, which includes the creation of a new website dedicated to yacht registration as well as participation in a number of international yachting events, including an exhibition at the Monaco Boat Show and technical discussions at yacht fora in Malta and the Netherlands.

175 It pleases me to note the positive feedback that has been received from potential new clients of large yachts and my Ministry working with the Yacht Registry is in the final preparations of introducing two new products. The first a new fee regime for the Registration of very large Mega Yachts and the Registration of Yachts Under Construction.

180 It is also very gratifying, Mr Speaker, to note that the number of yachts on the flag now exceeds 800, with an increase of 5.5% over the last 12 months. The Yacht Registry has tremendous potential, in terms of commercial growth, and the Government is keen on facilitating its development. Future proposed developments will include the availability of online payments for yacht registration services. This will be one of the first Departments to offer this, in line with the Government's new e-payment system.

185 Mr Speaker, the GMA has also enjoyed an increase in staff resources over the last 12 months. Three new marine surveyors have joined the fold and one additional engineering post has recently been advertised. The Department has also taken on two trainee marine surveyors, emphasising our long-term vision for the development of the maritime cluster in Gibraltar. It is with great personal pride, that I can tell this House that, in spite of the fierce competition for these vacancies, all of the new highly-qualified surveyors are Gibraltarian, as are the trainee surveyors. While more surveys were delegated to the

195 recognised classification societies, increased monitoring of these organisations has continued to ensure the overall quality of the fleet is being maintained.

Mr Speaker, it is also to be noted that the Seafarers' section issued over 2,200 endorsements to officers serving on Gibraltar-registered ships. This is an important aspect of maintaining the safety and maritime protection standards expected on board the ships of the fleet. The Provisional Endorsements, which are issued online, is completed within 24 hours. The Seafarers' certification section of the GMA is another success in terms of revenue collected and the quality of the service.

Indeed, Mr Speaker, I should note, as a course, that the GMA is not just a self-financing arm of Government but it also is able to make a profit – thus not costing the taxpayer any money at all and yet contributing positively to the economy of Gibraltar.

205 Furthermore, we have a new Maritime Administrator, and the whole House can boast that this post is, for the first time, also held by a Gibraltarian. This highly-qualified officer has over 14 years' experience in the maritime industry and has progressed through the Government system. The previous incumbent, Alan Cubbin, was, it must be said, a tremendous asset to the Department and his successor will build on these solid foundations, the main objectives of which are to ensure the highest standards of quality, safety and protection of the marine environment. I am sure, therefore, that all hon. Members will congratulate Mr Richard Montado to the post.

I now turn, Mr Speaker, to the Gibraltar Port Authority. The financial year 2012-13 has also been successful for the port when, also despite the financial pressures on shipping generally, revenue has shown a 3.7% surplus on the estimated bid; £6,801,518 against an estimate of £6,556,000.

215 Pursuant to a manifesto commitment, and/or withstanding the increase in revenue, a review of port charges was undertaken at the end of the last financial year and the decision was taken not to increase the tariffs. So, notwithstanding that the tariffs have remained the same, we still have an increase in revenue for the Gibraltar Port Authority, thus also positively contributing to the economy of Gibraltar.

220 In fulfilment of another manifesto commitment, work continues to improve port facilities and infrastructure including provision of enhanced facilities for operational personnel.

It pleases me greatly, therefore, Mr Speaker, to say that, in satisfaction of another manifesto commitment, a new messroom and facilities for launches and crews is being provided by adapting the old ferry terminal at Waterport. I am told that the works are quite close to completion. As well as welfare facilities for crew, this site will also provide berthing and workshop facilities for craft.

225 It also, Mr Speaker, pleases me to be able to announce in this House today, that a site for an entirely new port administration building, incorporating improved accommodation and a better location for VTS, to include a physical lookout, fulfilling yet another manifesto commitment, has been identified and architects drawings have been produced. This, Mr Speaker, will represent a substantial injection of capital investment in the port, in order to fulfil yet another critical manifesto commitment to stop the chronic underinvestment in the port and, instead, to substantially invest so that the port may continue to operate successfully, safely, enhance its global reputation and continue to generate revenue for the Gibraltar economy.

230 In addition, moving the port administrative and VTS centres away from the port will also free up valuable land within the port estate for operational use. Work is underway to identify a suitable site and commence the investment in human resources in order to be able to reinstitute the reporting berth.

235 Introduction of port-wide closed circuit television system is now complete and underpins enhanced safety and security through much improved surveillance of the critical areas of the port estate. Works to improve the resilience of business systems within the port is nearing a landmark stage, with the successful implementation of an upgraded and robust computer system. The introduction of an electronic Vessel Management System will further enhance capabilities and will allow ships' agents to input data remotely in order to provide the most recent information on a vessel's movements.

240 In line with the importance the Government attaches to its environmental obligations, an environmental health and safety advisor post was created and a Gibraltarian was successful, and has been appointed to provide impetus to build a robust environmental, health and safety culture within the port and provide support for compliance with marine environmental legislation.

245 As further proof that, in this Government, every Minister is a Minister for the Environment – although none of us, of course, Mr Speaker, presume to have the expertise of the Hon. Mr Cortes – this House will remember that in January of this year, I enacted regulations to ban ship to ship operations being carried outside British Gibraltar Territorial Waters in a concerted drive to enhance the supervisory control of the Port Authority over port operations.

250 The House will also recall that an Act and Rules were enacted to increase fines for pollution offences at the Magistrates' Court, with a fine up to a maximum of £250,000 and to an unlimited fine on indictment. Real deterrence, Mr Speaker, and incontrovertible proof, if any further were needed, that we, on this side of the House, take our duties to our marine environment very seriously indeed.

255 The commitment to review and upgrade the oil pollution response organisation is also truly well underway and, as a result, a new Vikoma Alligator skimmer, capable of being effective in the recovery of

a wide range of oils in the most demanding of weather conditions, has been purchased. This will augment the equipment already held. Research continues into ways in which threats of oil spills from vessels outside British Gibraltar Territorial Waters can be detected early and appropriate action taken.  
 260 Relationships are being developed with the aim of producing a coherent plan for the deployment of stakeholder's assets in the event of a pollution event.

And in an embarrassment, Mr Speaker, of environmental riches, and all this, of course, to please my great friend the Hon. Mr Cortes, this year saw a landmark in the commitment of the port in supporting the Government's Green Agenda, when the Gibraltar Port Authority became an accredited member of the  
 265 Green Award Scheme. The scheme, administered in the Netherlands, seeks to reward responsible ship owners who commit themselves to having their vessels audited to stringent high standards, by recruiting partners as 'Incentive Providers'. The Port Authority has elected to provide a 5% discount on port dues for ships certified under the scheme.

In his speech, Mr Fransen, the director of the scheme said as follows, and I quote him:

'The Port of Gibraltar's view fits very well with the Green Award's Philosophy. When such a major bunker port as Gibraltar practices its Corporate Social Responsibility through participating in the Green Award scheme, it does make a difference and motivates safe and environmentally conscious shipping.'

The Port of Gibraltar is the second port this year that offers new incentives to seagoing vessels holding the Green Award certificate. A total of 31 ports have now earned the Green Award. With the Port of Gibraltar being a major bunker port and the gateway to the Mediterranean, the port's decision to grant incentives to ships, the highest safety standards of which are confirmed by the Green Award certificate,  
 275 motivates even more ships owners to invest in improvement on board.

And, Mr Speaker, of course I cannot leave my responsibilities to the port without mentioning to this House that a major project has, as the Minister for Justice has said as well, commenced to provide sufficient small vessel berths to accommodate 700 vessels, in accordance with yet another manifesto  
 280 commitment.

The marina will be constructed in the mid-harbour area and will incorporate 400 six-metre and 300 eight-metre finger pontoon berths. The marina will have electrical and water points, secure entry to the pontoons and CCTV security cameras. The construction will be a caisson vertical wall design wharf, which will also provide around 500 metres of new outer wharf berthing for large vessels and super yachts.  
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This will be the first time in recent history that new commercial wharf facilities have been constructed in Gibraltar. There will be two lanes for traffic, a roundabout at the end of the wharf, a public promenade and parking for over 50 cars and for motorcycles.  
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Mr Speaker, at this point I pause to pick up on the point made by the Hon. the Leader of the Opposition, who mentioned that the small boats marina was not popular. I cannot for the life of me fathom why he would make such a point, except that maybe he will now use that as the excuse why they did nothing in 16 years. (*Banging on desks*) And yet, we, within 18 months in Government, and having  
 295 announced it as a promise in the manifesto, are already starting work on this important, critical plank manifesto commitment and will finally be able to provide pontoons and small boats berthing to the long suffering, waiting owners of small boats.

As the first stage of an ongoing project to review and bring up to date legislation relating to the port, work is continuing in conjunction with the Pilotage Authority to review the legislation concerning marine pilotage, including the issue of Pilotage Exemption Certificates in anticipation of the new European legislation on the subject. A strategy for marketing the port and its activities is continuing to be developed with a greater emphasis on face to face meetings and the development of relationships with industry stakeholders.  
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Mr Speaker, I now turn to tourism, in a year that has also been satisfyingly dynamic. My efforts and those of the team at the Gibraltar Tourist Board, and their colleagues at Gibraltar House in London, have been tireless in pursuing: (1) our responsibility to deliver more visitors to the Rock; (2) market the destination effectively; and (3) make product improvements. In tandem, we have encouraged the private sector to take more initiatives and to work in closer partnership with Government. I am happy to say that the results are there for all to see.  
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Let me start, Mr Speaker, with air services where we have shown tremendous progress. Despite the loss of services from Liverpool and East Midlands Airport, the Government acted swiftly last year to address the situation and worked closely with Monarch Airlines to encourage service to resume from the Midlands, with the airline starting flights from Birmingham as from March of this year.  
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We were also able to delight in the news that, following a series of meetings that the Chief Executive of the GTB and I held with BA, BA decided to increase capacity to the Rock as from last winter, by scheduling two extra services at the weekend. These are set to continue through this summer and next winter. Indeed, Mr Speaker, we are working hard to argue the case for additional capacity from Heathrow, where we believe there is still potential for further growth.  
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320 As part of the on-going support for airlines, and in association with BA, the GTB held an event at Gibraltar House in London to specifically promote this extra weekend service. The event is one of many that the GTB would like to host in this intimate setting, to target travel agents who are an important part of the booking process for the airlines.

325 Mr Speaker, it is also good news that flights from Manchester have also risen to four flights per week in the current schedule and will remain at three flights per week for next winter, offsetting the loss of capacity from Liverpool. I am also pleased to report that easyJet will continue to lay on extra capacity from London Gatwick in the peak summer months, increasing to four rotations on some weekdays.

330 It will therefore be, Mr Speaker, the busiest summer for the airport, with more than 1,800 flights and 300,444 seats available to five destinations until the end of October. For the first time on one day, namely Sundays, the airport will enjoy seven flights. This is all very encouraging news, Mr Speaker, but neither I nor my team at the GTB will be satisfied nor rest until Gibraltar enjoys, firstly, even greater connectivity with the United Kingdom and we start connections into mainland Europe – an aim I am sure that Members obviously will also encourage us to undertake.

335 To that end, we are working very hard to encourage our existing airline partners to add new routes from the UK and other countries, and are in hot pursuit of new airlines and new routes from European destinations.

I now turn, Mr Speaker, to an important aspect of the tourism sector, the cruise industry. Not least given the very recent misleading and blatantly partisan comments on social media, by at least one supporter of the GSD, I need to place the 2011-12 financial year, in terms of cruise calls, in its proper context.

340 When this Government came into office on 9th December 2011, we were faced with the, let's not say ideal, scenario where only 170 cruise calls were booked for 2012, down from 186 cruise calls in 2011. As those that are familiar with the cruise industry, certainly not the persons who made the post on Facebook, as they will categorically tell you, cruise calls are planned sometimes for more than a year, sometimes 12 months and at the very least nine months in advance of the call. As a result, Mr Speaker, the number of cruise calls for 2012 was already well and truly cast when we, on this side of the House, were elected into office by December 2012.

350 Those who support the party opposite should, therefore, try to be honest when insinuating that the drop in number of calls in 2012 was somehow the fault of this administration – it was certainly not. Then again, why allow the facts and reality to get in the way of trying to denigrate the Government, it never has to date.

355 Having pursued, Mr Speaker, a vigorous policy of one-to one meetings and building up real strong personal relationships with the industry, I am pleased to report that 2013 will see calls scheduled rise to 186, with passenger numbers also rising. We must also consider that ships do carry a large crew complement, some of which also come ashore and avail themselves of Gibraltar's facilities and services.

In 2012 the cruise ships calling carried 291,000 passengers. This year, Mr Speaker, estimated passengers are 300,000 and crew members of course will also need to be included. In an encouraging sign, furthermore, as at Friday last week, there are already for 2014, 170 calls. This evidences the undeniable fact that some cruise liners book their calls sometimes more than one year in advance.

360 Some of the great news this year was the announcement by Thomson Cruises and Island Cruises that their calls to Gibraltar for the winter 2013 and summer 2014 programme will increase by 33%. The announcement came in an interview for the press carried out by Neil Duncan, who is the General Manager of Thomson and Island Cruises, whilst in a visit to Gibraltar – in fact, during the course of our meeting.

365 Pullmantur Cruises also announced the return of their important product aimed at the French cruise market. In 2011, Pullmantur calls had fallen to two from four in 2010. A total of two calls were scheduled for 2012 but after a direct meeting with the company calls increased to five scheduled for this year and, so far, this company has 13 calls booked for 2014. Good news indeed, Mr Speaker, although undoubtedly a bucket of ice cold water to those who mischievously want to paint an inaccurate picture on social media sites.

370 This year, I have held meetings with senior cruise executives in the UK. I was able to dispatch two of my very able senior officials, with experience in the field, to Miami with the Government's strategy of marketing on a one-to-one basis. We are certain, Mr Speaker, that personal contact and an exchange of ideas with the itinerary planners and shore excursion decision makers is vital if we are to maintain the level of cruise calls we enjoy today.

375 We have also ensured that as many senior executives from the cruise companies as possible come and visit us in Gibraltar to experience our legendary business hospitality. Since early 2012, we have held meetings here at home with Pullmantur, Thomson and Island Cruises, Viking Ocean Cruises and Carnival Cruises. We are scheduled to meet with Saga Cruises later in fact this very week.

380 Another area being actively pursued by my team and I, is the provision of turnaround cruises in Gibraltar, and we have already presented a comprehensive study to this end to some of the major cruise

companies. Whilst taking note of the concerns and representations raised by the cruise operators about the feasibility of being able to have turnaround cruises in Gibraltar, we will be tireless in our pursuit of this opportunity.

385 Mr Speaker, we were able to delight in the news from the team at Azamara Club Cruises, through their agents in Gibraltar, M H Bland, that we were being given the opportunity to host an AzAmazing evening. We were then further overjoyed to hear that once was not enough for them and that a second AzAmazing event would take place in Gibraltar.

390 Azamara, having been disappointed at the arrangements being made at a Spanish cruise port, scheduled to host the event on 30th April. Azamara Cruises visited the GTB stand at the World Travel Market and right there and then asked if we could take on the other event, which of course we clasped with both hands, putting Azamara Cruises in no doubt of the Government's commitment to the tourism industry.

395 This event was co-hosted by the GTB, M H Bland and the cruise line. I can also doubly confirm, Mr Speaker, that despite some additional blatantly partisan misinformation on another social networking site, the Government did not pay for the excellent fireworks display that took place on the two occasions that the Azamara Quest was in port. This was a generous gift from Azamara Club Cruises to its passengers and indeed for all of Gibraltar to enjoy. Of course, Mr Speaker, once I made clear in a press release that the taxpayer had not funded the fireworks, they then complained of the time at which the fireworks display was held. Quite touching really, that they should feel so desperate that they should pick on anything that they feel they can.

400 In any case, Mr Speaker, these events have gone a seriously long way in cementing a relationship with a cruise line by showing a willingness to be proactive, and will no doubt result in further events like this taking place in the future. I can confirm that Azamara Club Cruises have already been in contact to plan their AzAmazing evenings for 2014.

405 The passengers on board the Azamara Quest were one of the first to enjoy improvements made at St Michael's Cave. Azamara Club Cruises called at Gibraltar three times in 2011, there were five calls in 2012 and there have been six calls in 2013.

410 Mr Speaker, if ever there was a signal that Her Majesty's Government of Gibraltar is a great supporter of the tourism industry, aside from all I have said so far, it is the unprecedented investment currently being undertaken in the visitor attractions. Works have already been completed at the Great Siege Tunnels, Moorish Castle, the 100 Ton Gun exhibition, St Michael's Cave, Jews' Gate, Apes' Den, the Gibraltar Cruise Terminal and Waterport Fountain along with other works at other locations.

415 In particular, attention has been given to providing enhanced or new accessible facilities. This has included the refurbishment and provision of toilet facilities and improved access at St Michael's Cave, including the provision of a specialised lift at the new entrance to enable guests to view the Cave from the first landing. Facilities have been installed for those with impaired hearing and the Gibraltar Tourist Board is now also looking at providing enhancements for visitors with impaired vision.

420 We are also in the process, Mr Speaker, of installing new signs on the upper town area. These are designed to provide clear directions for those walking in and from the Upper Rock in this area, and therefore assist our visitors in finding their way to the marvellous attractions within the Nature Reserve. I must point out that this particular exercise is to be carried out following a suggestion by a citizen of Gibraltar, which was sent to the GTB by email, and reflects the Government's continuing consultation with the public, and our willingness to act on excellent suggestions from the public when they are able to be actioned with ease. I must stress, Mr Speaker, that this is just one example of the consultation.

425 The Government has also given its support to the arrival and installation of HMS Pickle as a tourist attraction in Gibraltar. As you know, Pickle is famous for the role she played at the Battle of Trafalgar from where she sped home to deliver the news of Lord Nelson's death and the British victory to the King in London. The Government warmly welcomes new attractions and initiatives from the private sector.

430 At the end of March and for a few weeks subsequently, several injured soldiers visited Gibraltar, courtesy of a charity called 'Give Us Time'. This is a charity founded by former UK Defence Secretary Dr Liam Fox to provide holidays for soldiers recently returned from operational duties. These soldiers require operational quality time in order to reintegrate into family life and to recuperate after six difficult months apart. The Government was pleased to support the initiative.

435 In co-operation with M H Bland, Monarch Airlines and the GTB, a group of school children visited Gibraltar for the day on 24th April, in what proved to be a great event for those involved and an educational trip the children will no doubt remember.

440 One of the most anticipated events this year, Mr Speaker, and one very close to my heart as an A-level student of English literature, will be the first Gibraltar International Literary Festival, to be held in October. The Festival follows the Government's policy of encouraging event-led tourism in a bid to drive more visitors to the Rock, off peak season, and to firmly place us in the field of quality international events.

I am particularly pleased to see the great support we have received from private sponsorship, signifying a willingness, on behalf of these companies, to work in partnership with the Government and sharing a vision for success with these events. I have no doubt that this prestigious Festival will do much to promote Gibraltar as one of the most dynamic city states in the world.

Also bearing fruit is the continuing work done by the United Kingdom Gibraltar Tourism Association and the team at Gibraltar House in London, with UK tour operators. In February, Superbreak, one of the tour operator members of the UKGTA, announced that for the month of January they were 263% up in bookings for Gibraltar against January 2012 – with an additional 300 clients booked in the month. I am pleased to say that the feedback from most of the operators to Gibraltar from the core source market remains positive.

Yet another UK tour operator, featuring Gibraltar as a destination reported an increase in sales this month. The announcement was made by Cresta Holidays, that are part of the Thomas Cook Group and are members of the UKGTA. The news came just before the last meeting. Earlier this month, Cresta Holidays reported encouraging performance from their Gibraltar programme so far in 2013, currently trading at over 7% up from year on year. This performance improved further and the four weeks prior to the meeting of the UKGTA trading stood at over 23% versus the same period in 2012. Cresta added that Gibraltar is an area in which the company has seen significant growth and that they were sure that this would continue.

The GTB has held successful road shows in the UK aimed at the catchment areas around the airports with which Gibraltar has connections. An event was held in Birmingham earlier this year to promote the start of services from this airport to Gibraltar by Monarch Airlines. At the beginning of June a very successful road show, attended by 102 agents, was held at the Waldorf Hilton Hotel in London. The road show was aimed primarily at the London airport catchment areas, in support of British Airways, Monarch Airlines and easyJet. The road show proved so popular that a wait list was in place for agents wishing to attend the event, this being the first time that some travel agents were not able to find a place at the event.

Marketing continues apace in the UK with a campaign in the media and jointly with members of the UKGTA and local industry partners. We have actively encouraged our partners to contribute to the marketing and advertising campaigns in the UK, in particular for niche markets such as for conferences and meetings and the weddings market. In respect of the latter, the GTB has now set up a weddings committee which will meet regularly so that all those selling this product can work together to improve on the services on offer.

We have paid particular attention over the last year to the formula for attending trade fairs. In a drive to maintain costs down, or as from 2012 onwards at the same levels, an effort to curtail stand build costs have been made and stand designs have reflected the needs of the users. We have therefore managed to drive costs down substantially in some cases, such as, for example, with the World Travel Market, where in 2007 – its high peak – just over £68,000 was spent on this exhibition, compared to just over £30,000 last year.

I have personally held post mortem analysis sessions after the events with co-exhibitors to fully appreciate their feedback and incorporate this into the work of the GTB at the events going forward. The co-exhibitors are therefore doubly encouraged, firstly, that the Government takes the time to listen to their views, and then secondly, incorporate those views into the format of shows held abroad. In addition, Mr Speaker, the attendance at the fairs by Miss Kaiane Aldorino and the Gibraltar History Alive Group has added colour and dynamism to the GTB's attendance at these events. We have also ensured that the time is used to hold as many meetings as is possible with industry partners and prospective customers. We shall endeavour to bring all of the improvements to the attendance at the World Travel Market and all other trade fairs or consumer events that the industry urges us to attend.

Mr Speaker, this year the GTB exhibited for the first time at the IMEX trade fair in Frankfurt. Members of the GTB team attended on an observer basis, on two occasions in the past. This event is specifically aimed at the Meetings Incentive Conference and Events markets, commonly known as MICE. Gibraltar, as the House knows, is ideally placed to host small to medium sized events in this category and it is vital that the GTB supports local industry partners in pursuing this market. Despite only having had a small stand this year, the event was wholeheartedly supported by the industry in Gibraltar.

In April the GTB was also present at the Marrakech FIA World Touring Car Championship Event. The Chief Minister and I led a delegation to this event and hosted a stand. The event served to highlight the recent changes in Gibraltar's immigration rules, encompassing the Government's relaxation of visa requirements for Moroccan Schengen multiple entry visa holders and the Government's desire to develop modern tourism, trade and business links with the Kingdom of Morocco. As at 20th June, 1,549 Moroccan visitors have availed themselves of this scheme.

The GTB is therefore pursuing new markets. Germany, in particular, is a country holding great potential in outbound tourism for Gibraltar. Last March, I approved a visit to the ITB fair in Berlin by two members of the GTB's team, on a fact-finding mission. This visit has been instrumental in setting up contacts and in helping the GTB to gain a feel for this market. China and Russia are also two very



505 exciting areas for growth. Last year, the Government introduced a visa waiver programme for Russian nationals wishing to visit Gibraltar for the day on an organised trip. I am also pleased to note that, as at 20th June, 3,327 Russian nationals have visited Gibraltar as a result of this initiative.

As the House knows, in April the GTB participated in the World Travel Market Vision Conference in China and exhibited at the China Outbound Travel and Tourism Market. The GTB also continues to pursue niche markets. In particular, bird watching is of significance and a group of tour operators and 510 journalists specialising in the field visited Gibraltar recently, following an initiative taken by the Bland Group of companies. The expanded Tourism Advisory Council has already proved very useful in advising us of issues affecting the industry.

Mr Speaker, I turn to the beaches. As far as our beach facilities are concerned, I can safely say that the Government has so far provided for these in an unprecedented manner. Last year we initiated weekly 515 cleaning of all the beaches from 1st February, laying of all walkways from mid-May, the purchase of new lifeguard boats and the employment of senior lifeguards.

This year, initiatives include: the purchase of three extra boats with engines for the lifeguards to cover the service in all our beaches; the provision of a lifeguard weekend service as from 11th May, with a full 520 lifeguard service from 8th June; beach facilities, including showers, being made available as from 6th April; external showers being provided at all the beaches; a new beach umbrella store being provided at Camp Bay; a new toilet/changing room unit, including showers, has been provided at Western Beach; vastly improved accessible facilities provided at Camp Bay; a new walkway being provided at Catalan Bay to provide easier access from the car park to the beach and to the promenade; jellyfish booms have also been provided and there is already one on a trial basis on Western Beach; and accessible facilities 525 being improved, Mr Speaker, at all the beaches.

It will not have escaped the notice of Members of the House of the regeneration works of Sandy Bay, which is now truly and well in progress. As announced earlier this year the works involve major coastal protection, indeed one of the groynes is very much developed and work on the south groyne, I believe, 530 will be starting today. And also, of course, the replenishment of the beach with sand. This will once and for all undoubtedly bring improvements to the much neglected and popular beach.

I was very pleased, to have seen last year the launch of a new website for the GTB. The new site has brought great improvements to the online information available to visitors and the site is compatible with tablets and smart phones. However, Mr Speaker, connectivity with tourists through the internet does not 535 stop there. The Government has embarked on an initiative to have Gibraltar's main tourist and beach locations also covered by Wi-Fi. Gibtelecom has been asked to extend the reach of its existing Wi-Fi network to cover 12 separate tourist sites, as well as all six main beaches on the eastern and western sides of the Rock.

The project is being carried out in a phased approach, with the Government contracting with Gibtelecom for free access to a number of local orientated websites at each location. This would include 540 tourist information, as well as a selection of other public sector sites of interest to visitors. Access to more general websites, outside this 'walled garden' approach, would be directed to Gibtelecom's Wi-Fi payment portal.

The first phase of the project will see prime tourist sites such as St Michael's cave, Napier Magdala Battery, the Coach Park Terminal and the frontier area covered. It is expected that this stage will be 545 completed very shortly. This will be followed by Gibraltar's main beaches, including Catalan Bay, Sandy Bay, Little Bay, Camp Bay and the Eastern and Western beaches. The plan is for these to be fully up and running in August. The remaining sites, embracing other areas such as Europa Point, will be covered in September.

Mr Speaker, I now return to the revenue of the GTB. In a bid to ensure the cost effectiveness of the 550 GTB, the GTB is on a drive to improve revenue in its areas of responsibility. This will now be achieved by: the already installed ATM machines at the Gibraltar Cruise Terminal and Gibraltar Coach Terminus; the selling of advertising spaces at the Gibraltar Cruise Terminal and Gibraltar Coach Terminus; and, subject of course to the appropriate licences, the sale of new official souvenirs at the main GTB Information Office, including gift vouchers, for those wishing to purchase entry tickets in the visitor 555 attractions.

Mr Speaker, it is the aim of the Government to make the GTB self-financing so that the savings made to the taxpayer can go towards socially essential services such as Health, Education and Social Services etc. In the current climate of close co-operation, which I have engendered in the local tourism industry, 560 there is a clear view that the tourism product in Gibraltar has devalued itself over the last 20 years, driving much needed yields down to levels that are just not acceptable to anyone involved.

We all travel regularly, Mr Speaker, for business and for leisure and to say that £10 for an all inclusive ticket to see all of the wonderful attractions on the Upper Rock is expensive, is clearly a misnomer. When you consider that a ticket to see a film in central London today can cost up to £20 and that entry into a well known wildlife park on the Costa Del Sol can cost up to €25, we really are cheapening our breath- 565 taking attractions, which I hasten to add, this Government is continuing to improve and add value to.

Mr Speaker, looking at last year's statistics, I am pleased to report that, excluding non-Gibraltarian Frontier Workers, the total number of visitor arrivals increased by 0.6% over 2011. The published figure, including non-Gibraltarians, however, shows a decline, but this is due to the decline in the number of

570 The number of visitor arrivals by land, again excluding non-Gibraltarian Frontier Workers, increased by 1%. Again the published figure including non-Gibraltarian Frontier Workers declines by 1% again because of the decrease in the number of Frontier Workers.

575 Mr Speaker, it is particularly pleasing to say that, despite the loss of two routes in 2012 – one, a commercial decision taken by easyJet and the other due to the demise of bmibaby – together with a slight reduction in capacity on some routes, the largest visitor arrival increase in 2012 was in fact by air. A 1.7% increase in arrivals was recorded over 2011.

580 It is interesting to note, and I am sure the hon. Members opposite will be interested to know, that in comparison, air arrivals in Andalucía for 2012 showed a decrease of 6%. In particular, arrivals at Malaga were down by 1.8% and at Jerez by 13%. In 2012 overall passenger load factor jumped 4.8% over 2011 to 87.2%, with June through to October recording average monthly figures over 90%. This load factor of 87.2% is way above the worldwide IATA average of 79.1%, and the European airline average of 80%, indicating a strong market on existing routes to Gibraltar.

585 Of note, Mr Speaker, is that the additional Heathrow services secured by this Government, have delivered an additional 5,202 passengers to date versus 2012. There has been, Mr Speaker, which is very welcome news, a 13.9% growth on this route so far this year versus 2012. Also good news for Gibraltar, the route from Manchester is doing exceedingly well, having recorded a 26% growth to date over 2012. For summer 2013, the airport will have an additional service overall compared to 2012, and winter 2013 will have an additional four services overall compared to 2012.

590 Mr Speaker, the number of coaches arriving in Gibraltar has fallen by 1.5% over 2011. However, statistics show that there has been a continuous steady decline of coaches arriving in Gibraltar since 1999. This, to an extent of course, is no doubt a reflection in the way that the industry has changed, with more independent travellers choosing to make their own arrangements. Having said that, Mr Speaker, I am not being satisfied that there has been such a steady decline since 1999 on the number of coaches arriving in Gibraltar. I have tasked the GTB to make a particular effort in devising protocols and plans in how we

595 can stem this tide.  
Mr Speaker, in turning to the hotel occupancy report, in 2012 all arrivals at hotels decreased by 6.6%. However, room nights offered fell by 5%. Room occupancy, therefore, fell by a marginal 0.7 percentage points and stood at 59.3% as an average for the year. Mr Speaker, it must be noted that this average of 60% is an average of all of the hotels and the sleeper occupancy for all of them. But, without mentioning the details of any one particular hotel, if one were to analyse the sleeper occupancy of different hotels individually, some hotels clearly do much better than others, with one hotel in particular boasting of 76% sleeper occupancy in Gibraltar in 2012. It is also interesting to note the statistic that the number of employees in the hotel industry has actually increased by 3.2% over the year to October 2012.

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605 Mr Speaker, at the meetings of the Tourism Advisory Council and the UKGTA, I have repeatedly encouraged hotels to make far more use of the Government's increased marketing drive to convert the visitors to Gibraltar into overnight tourists. These marketing collaborations have clearly worked for UK tour operators, who have seen the numbers increase, and which announcements have been made. It is, therefore, apparent that the hotels have their work clearly cut out for them in this respect.

610 It is also interesting to note, as I did before on a comparison with the neighbouring region, that an analysis of hotel statistics in Andalucía for the period of January to March in this year, shows that occupancy at 35%, and in Gibraltar, for the same period, room occupancy stands on average at 46%.

615 Mr Speaker, in respect of hotels, a leap forward in the provision and variety of bedstock in Gibraltar is necessary. Soon, in 18 months, we will have a new 5-star hotel, in the form of the Sunborn Hotel, bringing the first product of this kind to the Rock. This allows us to promote the destination to a 5-star bracket and attract visitors who, potentially, may offer a higher yield in the leisure and business sector. Some of the new market sectors that we are pursuing, indeed the exhibitions that we have attended in respect of the MICE industry, require the provision of 5-star accommodation.

620 The Government is acutely aware, of course, to continue to support established hotels in Gibraltar and the assistance scheme that was started by the previous administration, which is tied into the prompt payment of utilities bills, continues. In addition, of course, the GTB continues to promote the hotels in Gibraltar in the marketing activities at no cost.

625 Mr Speaker, it has to be said, that the attitude of the Opposition, in respect of the Sunborn Hotel was certainly one that I found interesting, if not to call it contradictory. I recall when in Opposition, they were flaunting that they were going to bring to Gibraltar, seven – not one, not two, not three – seven new hotels and that two were committed to Gibraltar. I have to tell them that I have not found any contract that commits any hotel to Gibraltar.

So, on the one hand we have the Hon. Mr Bossino, who in this House tried to bring me to task over what he tried to suggest was the failure of this administration in not bringing over the Lester Hotel, which they could not bring over for four years. They now accuse us of making a done deal over the Sunborn, which is a 5-plus star hotel, which everyone in the tourism sector tells us is vastly needed for those who want a 5-star experience.

Mr Speaker, if they do not want to credit the Government where credit is due, and clearly that is always the case, it is considered, and I am told, that one of the benchmarks of how the tourism industry in Gibraltar is perceived to be doing is the annual report of the Chamber. Let me say how encouraged I was to read the section on tourism in this year's report. It is acknowledged that the GTB is proactive and focused and the invigorating approach is gratifying.

In addition, the Chamber recognises the new administration's focus on the much-needed attention to this sector and is welcomed by them. The Government also shares the Chamber's view that tourism was the lost pillar of the economy, but we will make it resilient and we will continue to work on it. So we were very pleased to read as well that the Chamber, in addition, applauds our investment in the Upper Rock and we can assure the Chamber, the House and persons listening to this debate, that the programme will continue with a further series of investments this year.

So, Mr Speaker, it pleases me to announce that the Government will spend yet another £1 million in this financial year on much-needed infrastructural repair and work on the physical fabric of the visitor attractions in Gibraltar. The details of the sum that has been invested and the projects to be carried out will be made public shortly.

We agree with the Chamber that there is a need to convert more of our visitors into tourists, and attract them to visit the sites and to stay overnight in Gibraltar. The team at the GTB has therefore worked hard with the local tour and transport operators in Gibraltar to establish new tour options. These have included the use of under-utilised iconic venues such as the City Hall and Garrison library.

Training and education, Mr Speaker, in the hospitality industry is very much at the forefront of our minds and we intend to focus this financial year on how we progress on those matters.

Clearly, Mr Speaker, the industry can see that the Government is committed to investment and growth in the tourism industry and that it is serious about the sector. We, therefore, look forward to establishing the partnerships that some in the industry believe should materialise, so that the Chamber of Commerce, the GFSB and other similar institutions, have a role to play in future developments.

We are confident, Mr Speaker, that the Government has already started to do this, and we will continue. Our long-term strategy is clear: to establish Gibraltar as the preferred short break leisure destination in this part of the world, delivering a quality product in a unique setting, at one of the most impressive geographical locations in the world.

We continue to work vigorously in all areas of the tourism industry with a very able team, Mr Speaker, and I wish to thank them now for all of their work to date.

Mr Speaker, before I close, I take the opportunity to thank, from this House, all of the staff at all of my responsibilities for their unwavering dedication and their commitment to duty. It is true to say that despite the ambitious programme of the Government – and our desire, for us on this side of the House, to wish to implement it – we would not be able to fulfil our pledges if it were not for the hard work of the staff that surround us.

So, Mr Speaker, it would be remiss of me not to also thank you, the Clerk and the staff at the Gibraltar Parliament who are unfailingly patient and always ready to assist, guide and advise, and for which, Mr Speaker, I am personally always very grateful.

All objective observers will agree that in the areas of responsibility, in which the Hon. the Chief Minister has entrusted me, there has been serious earnest work and results that have been seen throughout this last financial year. (A Member: Hear, hear.)

Moreover, not only have results been delivered, not only have projects come online in a timely fashion, not only has there been consultation, but it also has to be said, Mr Speaker, that this Government has prioritised infrastructural projects that also aim to assist the most vulnerable of our community – such simple things, as a lift at St Michael's Cave, so that people with disabilities can also enjoy the attraction. The accessibility projects at all of our beaches so that people with disabilities can choose which beach they wish to attend.

Mr Speaker, the Hon. the Chief Minister also made special mention of the increase to the disability allowance and other allowances for the most vulnerable of our society; things which we have been able to do only after 18 months in Government, and which they failed to do and missed one opportunity after another, over 15 years – in particular, the Hon. Mr Netto, who nods whilst I speak.

So, I conclude on a more serious note by remembering the late Charles Bruzon. Every person in this House, I am sure, will remember Mr Bruzon as a caring gentleman. I will remember him, Mr Speaker, when I first met him when I stood for Parliament the first time in October 2007, and he showed his usual special kindness by, at the time, trying to get to know the reasons why I stood for Parliament, what we expected that this Government could do whilst in office, and I will always recall his words to me, that: 'In

690 everything that we do, when in Government, we must act our exercises, our discretions with fairness and with justice'. I can think of no better way to honour the memory of the late Mr Charles Bruzon, than to, in everything that we do, reflect exactly that – fairness and justice to our people.

Thank you, Mr Speaker. (*Banging on desks*)

695 **Mr Speaker:** The Hon. Mr Selwyn Figueras.

**Hon. S M Figueras:** Mr Speaker, it is scarcely believable that I am already called upon to deliver my second Budget speech in this House, an honour and a privilege, which I have come to eagerly anticipate in my few short years on the political frontline of this community.

700 I am tasked by my Hon. and Learned Friend, the Leader of the Opposition, with shadow responsibility for the portfolios of Transport, Planning in the City, Justice, Home Affairs, Financial Services and Immigration.

705 Following the marathon by-election hustings in this House since the start of this session by the Hon. the Chief Minister, the Deputy Chief Minister, the Hon. Minister for Traffic, the Hon. Minister for Transport, as well as the contribution of the Hon. Minister for Health and the Environment, it falls to me, Mr Speaker, to bring the Government's election campaign momentarily back down to earth. (*Laughter*)

I turn my attention first to planning. During last year's speech I focused on the fact that the Government had failed to make Government projects subject to the approval of the Development and Planning Commission. A year on, Mr Speaker, it remains the case that Government projects continue to be passed on to the DPC for their opinion and guidance, but do not require the DPC's approval before going ahead.

710 I told this House last year, and happily say it again this year, that the Government's commitment to subject their projects to DPC approval is unrealistic. It is unrealistic for reasons which I have already rehearsed in this House and will not bore the Members with again. Suffice to say that it is clear that the Government has not yet delivered on this manifesto commitment, for the simple reason that it has too much work to do before the conclusion of its first term in office to afford such controls on its agenda.

715 I am of the view that Government, in a community like ours, needs to take responsibility for the direction in which it takes Gibraltar, making decisions and standing by them to deliver on the mandate given to it by the electorate. The difficulty for this Government is not that they do not want to take responsibility, and it is not that they do not want to take control of the agenda. The problem is that what they certainly do not want to do is to upset anyone in the process of governing. That, Mr Speaker, is impossible, and that, Mr Speaker, is where they are coming unstuck.

720 The extra floors on the Government estates, the construction of a tank farm at the North Mole and, more recently, the preparatory works for the arrival of the far from ready Sunborn Hotel; these are all examples of how this Government is struggling with being all things to all men, now that they are in Government.

In relation to the Government's estates and the Sunborn Hotel, they made public announcements of the projects they had come up with, surely in consultation with experts and civil servants, and when the public tide of objection was coming in a little too fast for their liking they backtracked and revisited the projects to try and save face and, of course, the votes.

730 In relation to the floating hotel, Mr Speaker, that change of heart came well after the Hon. Minister for Health and the Environment – who is unfortunately not in the Chamber at this moment – had been happy to literally wash aside the environmental concerns expressed during, what I am told was rather an awkward moment during the relevant meeting. (**A Member:** Shame.)

735 In relation to the new purpose-built, state-of-the-art tank farm on the North Mole, the two Ministers on the Development and Planning Commission – the only two members with political responsibility on that Commission – abstained from voting on a project which was clearly felt to be in the interest of Gibraltar by the rest of those present at the meeting.

740 The feeble excuse given by the Hon. the Deputy Chief Minister, when I asked him about this in the House, is that both he and the Hon. Dr Cortes had been disappointed that operators had not been able to come together to agree joint use of one facility, as opposed to having more than one.

745 The developers of that project, Mr Speaker, had been made to jump through every hoop in the book to obtain approval. Yet the Ministers, when the time came, chose to abstain during the very process, hoping thereby not to alienate any voters on either side of the result. This dithering, which the Government dresses up as openness and transparency and the willingness to consult, is very dangerous for our community. I have warned about the dangers of relinquishing decision making power to unelected and unaccountable institutions in the past.

Whilst it cannot be denied that the contribution made by the Development and Planning Commission is an invaluable one, it is one that cannot, and never should, replace political control of Gibraltar's development by the Government of the day. Political leaders of this community share the responsibility to

750 ensure that, amongst other things, a planning process encourages and nurtures growth in activity and helps to accommodate it. I do not believe that this is true for Gibraltar's planning process today.

As things stand, Mr Speaker, and as an illustration of what I am referring to, there has been little, if any, creation of office space in our community since 9th December 2011 – (*Laughter*) down, in no small measure, to the extensive demands placed on developers by the enlarged DPC, (*Interjection*) which  
755 demands are entirely unencumbered and unfettered by the responsible imposition of reasonable political direction from the Members opposite. In this context I do note, however, the measures announced by the Hon. the Chief Minister yesterday to incentivise the building of office accommodation. Be that as it may, planning is an area of Government which causes me concern, as it does for many in the community who approach me to discuss precisely this.

760 In my view, Mr Speaker, the Members opposite should not have relinquished general control over the planning process to the Town Planner, which should not be interpreted as a reflection of my opinion of the person of the Town Planner himself. I further believe that the Government should not hand over powers of approval over Government projects either. I suspect, however, Mr Speaker, that this particular commitment box will only be ticked when the bulk of the Government's capital projects are well under way. We shall keep a keen eye on developments, if you will pardon me the pun.

765 I now turn my attention to the area of Justice and, unfortunately, the Minister for Financial Services and Justice is not in the Chamber either at this time. In relation to my shadow responsibility for Justice and Financial Services, (*Interjection*) I am pleased to be able to say that I have enjoyed a generally positive and constructive interaction with the Minister, since I was allocated this portfolio on the great occasion of the election of my Learned and Hon. Friend Daniel Feetham, as the new Leader of the Opposition.

770 It is my view that, in the context of both these areas, being positive and collaborative is better for the community than being divisive and negative, (**A Member:** Hear, hear.) an approach which the hon. Members opposite tended to favour when they themselves were on the Opposition benches (**Several Members:** Hear, hear.) (*Interjection*)

I also wish to associate myself with the Leader of the Opposition's complimentary and positive comments of the Hon. Minister for Justice and Financial Services – a view which he expressed during last year's Budget speech when he was shadowing his portfolio. I do not consider that there is a better qualified individual on the whole of the GSLP's team to deal with this area of responsibility, and I look forward to working opposite him for as long as I am tasked with it.

780 I would also like to take this opportunity to add my congratulations to Liam Yeats and Damian Conroy on their recent appointments, and to extend my thanks and congratulations to the Royal Gibraltar Police and all those involved in securing the return to Gibraltar of the five-year-old child the Minister referred to yesterday.

785 I also acknowledge the Minister's comments, in relation to the improved management of cases and availability of hearing dates, and take the opportunity to remind the House that none of these improvements could have been possible in the circumstances without this party's vision and investment in the Court's complex as it stands today – a source of much pride for this party.

790 Turning to deal with the issues, Mr Speaker, I turn first to the sex offenders and the work being done to deal with this scourge of society in our community. It is obviously a positive development that the Sex Offenders Register is now a reality, despite the differences expressed heatedly at times across the floor and in public by the Minister and the Leader of the Opposition, my predecessor in this role.

795 It was, I hasten to remind the House, a measure that we introduced through the Crimes Act 2011. (*Interjection*) We on this side of the House feel strongly that the creation of the Sex Offenders Register should be just the first step on the journey towards protecting our children and vulnerable, to the furthest extent possible.

800 When Gibraltar delivers the change, in the shape of Gibraltar's first one-term Government, and returns the GSD to office in 2015, we will set about the process of establishing, in consultation with the relevant authorities, NGOs and the public at large, a child sex offenders disclosure scheme built on the model of the UK's enforcement of what is known as 'Sarah's Law'.

805 With Mr Speaker's indulgence, I will read a brief description of what such a scheme entails. Any member of the public can approach participating forces to apply under a child sex offender's disclosure scheme for information regarding a specific person who has contact with a child or children. The Police will process the application, but disclosure is not guaranteed. Even if there are no firm grounds for suspicion, the applicant can trigger an investigation to find out if the subject – the person they are asking about – has a known history that means they might be of risk to children.

810 Third parties with concerns, for example the grandparents or neighbours, about an individual who has contact with children are also invited to use the scheme. However, where appropriate, disclosure will only be given to parents and guardians or those best placed to protect the child. A number of agencies work together in the UK for this purpose – the police, probation and prison services – in the gathering of information and on initiatives to manage the risks posed by sex offenders and to protect the public.

815 I recognise, Mr Speaker, that Gibraltar is a very different place to the UK and, whilst it is important to acknowledge that our security services have an advantage over other forces in the UK by virtue of its size and the strong family ties that bond this community, we can ill afford to stand still in the development of tools and strategies to manage and minimise risks to our children, and vulnerable adults, from sex offenders in the community. This is a hard line on sex offenders; one which the GSD plans to pursue, when it is returned to Government in 2015, as part of the GSD's continuing dedication to keeping Gibraltar safe in the modern age.

820 Further, in the context of the hard line on crime, the Minister and I have had an exchange in the last few months, in relation to the enactment of legislation in Gibraltar for the purpose of clamping down on living off the proceeds of criminal activity. Some in our community, Mr Speaker, enjoy the fruits of a criminal lifestyle and do so with impunity. The Proceeds of Crime Act in the UK, as an example, empowers law enforcement authorities to seek confiscation orders in relation to persons who benefit from criminal conduct and to make provision about investigations relating to benefit from it –

825 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, will the hon. Member give way?

830 **Hon. S M Figueras:** No, I think I will carry on. (**Hon. G H Licudi:** Point of order.) By legislating along the lines of the Proceeds of Crime Act here in Gibraltar, we will begin to target those in our community who, by their lifestyle... and, Mr Speaker, we have afforded all the Members the opportunity to continue and complete their –

835 **Hon. G H Licudi:** Mr Speaker, on a Point of Order.

**Mr Speaker:** What normally happens during the course of a Budget debate, is that if you ask a Member to give way very early on in his speech, the Member may very well want to make more progress before he gives way. He is developing a point and he may want to make more progress and it is a right, which the hon. Member who holds the floor... It is his right to decide at which point he does or does not give way.

Now, does the Hon. Mr Licudi have a Point of Order?

845 **Hon. G H Licudi:** Yes, Mr Speaker, that is absolutely right, and this is the first occasion that I have asked for the hon. Member to give way.

I have already made my contribution so I do not have a right to reply. This is after all the... (*Interjection*) This is, after all, the debate on the Second Reading of the Bill, and it is quite normal in other Parliaments for there to be exchanges across the House whenever a point is made and it is important to clarify a particular point.

850 It is a matter of courtesy, especially with the hon. Member having said that I was not here before and not having corrected as soon as I came in – especially in that light. It is a matter of courtesy for the hon. Member and it is good for the debate, especially when the hon. Member has made a serious point of there being proceeds of... an allegation of persons out there enjoying the proceeds of crime in Gibraltar with impunity. It is important for the hon. Member to say exactly what he means; who is out there, who is enjoying the proceeds of crime in Gibraltar with impunity? Certainly, we do not know of anybody.

855 **Mr Speaker:** I am not sure that that is a Point of Order. What I would suggest is that the Hon. Mr Licudi may wish, before the Hon. Mr Figueras terminates... before he finishes his contribution... ask him to give way as he nears the end. I think that that would be better procedure.

860 **Hon. S M Figueras:** Mr Speaker, I am grateful for your intervention. I have to say that unfortunately the Hon. Minister was not in the Chamber when I was being tremendously complimentary of him.

865 **Mr Speaker:** The hon. Member will give way. The fact that an hon. Member is, or is not, in the Chamber does not mean that they are absent, because all Members have to sometimes transact business, attend to telephone calls, or what have you, and they are in the Antechamber. So, that should not be a reflection of the fact... that should not be an indication that they are not necessarily following the proceeding in the House.

870 **Hon. S M Figueras:** Mr Speaker, with respect, and for the avoidance of doubt, it was not a suggestion at all, when I was making reference to that. I was simply saying that it was unfortunate that he was not in the Chamber when I was about to be complimentary and to congratulate him on matters of his responsibility, and the fact that we have enjoyed a hitherto very positive exchange across the floor in respect of matters arising in this portfolio.

875 As far as his quasi Point of Order is concerned, it is a matter of general observation made in respect of some – and again the word used was ‘some’ and I will not labour the point too much further – of some in the community known to be living on a criminal lifestyle.

But, Mr Speaker –

880 **Hon. G H Licudi:** Mr Speaker, it is a Point of Order, because when Members make observations in this House they are responsible for the accuracy. They are responsible. Members of Parliament are responsible for the accuracy of every statement they make in the House and what the hon. Member is saying is that there are members known out there to be living off the proceeds of crime with impunity, as if the forces of law in Gibraltar know about that and are doing nothing about it.

885 That is absolutely incorrect and the hon. Member should correct it.

**Hon. D A Feetham:** Mr Speaker, may I... ? Mr Speaker, may I... ?

890 Mr Speaker, I rise because, having also been Minister for Justice for four years, I know something about this. Look, Mr Figueras has not made a statement criticising law enforcement officers at... *(Interjection)* No, he has not. *(Interjection)* No, he has not. No, he has not.

Indeed, in the United Kingdom, they have introduced this particular type of legislation, which you and me have had exchanges across the floor of this House, and, indeed, you yourself said that it is something the Government was considering.

895 Of course, this particular type of legislation is introduced precisely because it is very difficult for law enforcement officers to actually pin a crime on an individual, but then, of course, it is obvious from the lifestyle that that individual is leading... that that individual’s lifestyle is not commensurate with their job or with his employment status. That is a very sensible... *(Interjection)* It is a...

You cannot expect, Mr Speaker, for the Hon. Selwyn Figueras to name individuals.

900 **Mr Speaker:** Could we have some order and pay attention to each other. It is a matter of common courtesy, and that is how it has been all day yesterday and earlier this morning. *(Interjection)*.

**Hon. D A Feetham:** Mr Speaker, I am very grateful.

905 It is not a question of identifying – and if the Hon. the Minister for Justice has misinterpreted the point, I think that nobody on this side misinterpreted it – it is not a question of identifying individuals and saying: ‘well, if there is an obligation, Mr Figueras, to identify individuals’. The reality is that, not only in Gibraltar but in all parts of the world, this happens.

The way that one deals with it, and the way that Mr Figueras is inviting the hon. Gentleman to deal with this, is to introduce legislation dealing with... effectively, being able to explore somebody’s lifestyle with the job and income that that person receives.

910 I do not think this is a Point of Order, I think this is a point for the Hon. the Chief Minister, who has a right to reply and, traditionally, has always responded to every single speech on this side of the House, to do so and it is not something that the hon. Gentleman ought to be offended by.

915 **Hon G H Licudi:** Will the hon. Member give way before he sits down? Just for one point –

**Hon. D A Feetham:** Mr Speaker, I think that the problem that we have here is *(Interjection)* that it really is destroying the contribution of my Hon. and Learned Friend Mr Figueras’s speech. It is the second speech that he gives in this house. The hon. Gentleman is far, far more experienced and really he should not be making the fuss that he is making. Allow him to continue. You can make whatever points you want to the Chief Minister and he can then respond. I think that is common courtesy.

**Hon G H Licudi:** ...*[Inaudible]*so is it the case that the hon. Member is giving way just to clarify one particular point? So the hon. Member does not want to hear our response to that particular point when –

925 **Mr Speaker:** I am afraid that the Hon. Mr Licudi, much as he is trying, does not have the floor, because hon. Members of the Opposition have the floor at the moment.

930 **Hon. S M Figueras:** And I am grateful, Mr Speaker. *(Interjection)* I return to, and I expect the hon. Members opposite will afford me the opportunity to complete my contribution to this debate in much the same manner as we have allowed the lion’s share of the Ministers... of the Members opposite to do so in the last few hours in this House. *(Interjection)*

So some in our community enjoy the fruits of this criminal lifestyle and do so with impunity. The Proceeds of Crime Act in the UK empowers law enforcement authorities to seek confiscation orders, in relation to persons who benefit from criminal conduct – and, Mr Speaker, I am conscious that I may have

935 dealt with this already, but I simply want to set the tone once more briefly – and to make provision about investigations relating to the benefit from criminal conduct.

By legislating along the lines of the Proceeds of Crime Act here in Gibraltar – and this is the point I was getting to, that perhaps the Minister would do well to listen to – we would begin, or could begin, to target those in our community who, by their lifestyle, remain a dangerous and enticing example for otherwise law abiding citizens yearning for a fast buck or indeed that easy life. (A Member: Hear, hear.) (Banging on desks)

940 We must ensure that the maxim that crime does not pay, holds true in our community. Seizing upon an initiative of this kind, Mr Speaker – and this is not a criticism of the Government, which seems to be how it is being taken – would help to allay fears in the community that Gibraltar is falling off the wagon, or veering from the course set by the GSD Government back in 1996. A course away from criminality and a course away from the easy come easy go criminal lifestyle.

945 The GSD steered that course through stormy seas for 16 years, and now this Government has the opportunity to hold her steady and eradicate all that was bad about that episode in Gibraltar’s history, and ensure it never returns. On that note, I would like to make one further observation in relation to Justice and Home Affairs, before I turn to Financial Services.

During the last few months, the Opposition has openly been supportive of the Government in the work it has done to try and deal with the consequences of the busy tobacco trade. The Opposition has congratulated the Government on its initiatives in this regard, going further to ask when the Government will be delivering the East Side berth for law enforcement agencies to use in their daily struggle. This is a matter that the Hon. the Leader of the Opposition also referred to in his address in this debate. I also note yesterday’s announcement, by the Hon. the Chief Minister, of an increase in 10p per packet on the price of a packet of cigarettes, bringing the total increase in price to 25p over the one year.

955 However, despite all these measures, the figure for import duty has suffered a steep increase year on year, and that certainly is worrying. There can be no denying that Gibraltar has over the years benefited from the significant sums of revenue from import duty, but as the former Leader of the Opposition, the Hon. Sir Peter Caruana referred to yesterday, that source of revenue remains susceptible to factors outside our control. It is with this in mind, that we will continue to observe the Government’s management of this particular issue, to ensure that our community’s longer term interests are served as well as possible, and remain at their disposal and willing to assist in the handling of what is, and we acknowledge, a very delicate matter.

960 Turning now to, I trust, the slightly less controversial subject of Financial Services. (Laughter)

**Hon. G H Licudi:** Mr Speaker, he has finished his contribution on Justice –

970 **Hon. S M Figueras:** No, no, I think I am going to progress, Mr Speaker. (Interjection) No, I think I am going to take the opportunity to complete my address to this House. (Interjection) Mr Speaker, I am genuinely surprised by the nervousness of the Members opposite [Inaudible] in respect of this matter. (Interjection) Mr Speaker, perhaps I could have the floor?

975 **Mr Speaker:** Order please. Will hon. Members please give an opportunity to the Member who holds the floor to conclude... to carry on with his contribution. (Interjection)

**Hon. S M Figueras:** I am grateful, Mr Speaker.

980 On the subject of financial services, I wish to thank the Hon. the Chief Minister for bringing the news of ECOFIN’s approval to this House yesterday morning. I further proudly associate myself with the remarks made in that context by the Hon. my Learned Friend, Sir Peter Caruana, as it is a source of much pride to form part of the political family that presided over this community’s transformation during my hon. and learned friend’s stewardship at its head. (Several Members: Hear, hear.)

985 I note the Minister’s comments about the new areas being explored – new avenues for business, and the use of new and fresher strategies in the marketing of Gibraltar plc – once again being complimentary, Mr Speaker.

The Minister can count on this party’s support in respect of all sensible measures being pursued by the Government to further develop the financial services products, and to spread the message of Gibraltar’s value in international financial services far and wide.

990 Conveniently, given the interplay between both fields, I would like to take this moment to deal, momentarily, with my responsibility as Shadow Minister for Immigration and remind this House that Members on this side of the House were happy to support the introduction of the visa waiver system earlier this year.

995 It was a personal pleasure to collaborate with the Hon. Chief Minister in this House on that measure. (Interjection) The Hon. the Chief Minister knows that I share his view that it can only be good for



Gibraltar to explore and develop relations with our neighbours to the south, as an entirely natural extension of our very strong links to Morocco, through our local Moroccan community.

1000 In fact, it is with much satisfaction that I watched Miss Maroua Kharbouch take the crown of Miss Gibraltar in this year's pageant – becoming our representative for the upcoming Miss World contest. I think that all hon. Members will agree that Miss Kharbouch will be able to capture everything that is good about the Gibraltarian spirit of community and the wonder of our peaceful multicultural existence. Miss Kharbouch's representation of Gibraltar is, in my view, a brilliantly positive story, which will only help to bolster the work of our own Miss World, and all our Miss Gibraltar's before or since.

1005 I also note the Chief Minister's comments yesterday, in relation to the directions due to be issued in respect of the territories of Brazil, Russia, India and Japan, and the installation of biometric scanners at all entry points to Gibraltar. Whilst this is certainly capable of bringing further investment and activity to Gibraltar, I have just a few cautious words to say about this particular bit of news.

1010 Gibraltar's success is built on three things: reputation; reputation; and reputation. In fact, the Hon. Sir Peter Caruana often referred to reputation as being Gibraltar's only commodity. Expansion into, and the pursuit of opportunities in territories hitherto undiscovered, such as the [*inaudible*], must in my view be accompanied by a resolute adherence to the highest levels of care and compliance, almost to the point of paranoia, if necessary, to ensure that the romance of the new opportunity does not inadvertently lead us into harm's way. I know the Chief Minister understands these concerns, and for that reason, I am happy that he and the Minister for Finance are both alive to these matters and will proceed with due caution in this regard.

1015 Mr Speaker, Gibraltar's transformation from old school offshore centre to onshore specialist finance centre, complying with all EU and international obligations, has been down to the hard work of the industry, and the sensible, mature and competent management of all the challenges Gibraltar has faced over the last 16 to 20 years.

1020 Our success – Gibraltar's success – is down, in no small measure, to our ability to adapt and thrive in the face of an evolving European and global regulatory landscape. Re-inventing ourselves as we go along, complying when required to with wave after wave of EU legislation.

1025 Much as I am a proponent of this approach and an evangelist of the Gibraltar story – hence my highlighting of Gibraltar's presence on the IOSCO list on non-compliant jurisdictions some months ago – the direction in which financial services regulation is going is a source of some concern; namely the move towards automatic exchange of information and the creation of registers for use, in the first instance, by law enforcement authorities and then by extension tax authorities around the world.

1030 Gibraltar cannot – and I cannot stress this enough – and should not, seek to stem the tide of regulation. As it must remain committed, as it is, to continuing the work it has already done for many years in combatting money laundering, the financing of terrorism, and more recently tax evasion or rather, what is more recent, Mr Speaker, for the avoidance of doubt, is the trend to deal with tax evasion, as evidenced by the exchanges between the Ministers opposite, the Members opposite and the UK Government in recent times. (**Hon. G H Licudi:** We already do.)

1035 I feel compelled... Indeed, indeed, indeed and I acknowledge that. I feel compelled, however, to quickly raise the point that may be worth bearing in mind moving forward. There is a palpable concern, which I and others... and I really do not understand this nervousness emanating from the other side of the House. (*Interjection*) No, no, no, yes.

Mr Speaker, perhaps I can have the floor?

1040 **Mr Speaker:** Will the hon. Member sit down.

**A Member:** Yes, by all means.

1045 **Mr Speaker:** I think hon. Gentlemen, particularly in the Government side, have to bear in mind that a number of them have made speeches, yesterday and today, and some of those speeches have contained barbed comments about Members of the Opposition when they were in Government. They may not have liked what was being said but they took it on the chin and there were hardly, if any... I do not think there were any interruptions yesterday or this morning, and that is how I think we ought to proceed. Common courtesy demands that that is the way to proceed.

1050 On the Government's side you have nine speakers, so it is not beyond the ability of any of them to respond, later on, to other Ministers, who respond to points that are being made by the Members of the Opposition.

1055 What is more, the Chief Minister has a right to reply, and in that right to reply is usually a winding-up speech, in which he will have an opportunity to address all these matters. So I would ask hon. Members to maintain the decorum, the good behaviour that we have had throughout yesterday and today.

Now, I will give the Chief Minister an opportunity to rise and then I will ask the Hon. Mr Figueras... and call again upon hon. Members to allow him to carry on with his speech without unnecessary interruption.

1060 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am grateful for the way that you have called the House to order. It is important that in this very detailed and important debate, there should be order in the House.

1065 I acknowledge what you say, but if I may, Mr Speaker, I think that the issue that has arisen is not one of barbed comments. There will be barbed comments of course, during this debate and this is a parliament, and a parliament without barbed comments is an encyclopaedia of facts, and not a parliament. But there is one issue that the hon. Gentleman has said, which I will take up now as a point of information, for him and for the House, and it is important that we do it.

1070 This is not nervousness on the side of the Opposition; this is the reputation of Gibraltar, internationally. (*Interjection*) Since 199... and he will want to hear me, Mr Speaker, because he is an operator in the financial services field, and he needs the information if he is going to go around marketing Gibraltar. Since 1994, Gibraltar has had tax evasion as a crime, (**A Member:** Absolutely.) laundering the proceeds of which would be a crime. I think what has happened, Mr Speaker, is that, on this side of the House, we have interpreted his last comment as meaning that we have only recently done that. If he accepts that, then there is no issue in respect of his last comment.

1075 **Mr Speaker:** I will not allow any more interruptions to the contribution of the Hon. Mr Selwyn Figueras.

1080 **Hon. S M Figueras:** Mr Speaker, I am grateful for your intervention once more, and for establishing what us, on this side of the House, know to be the correct way to manage this debate, and that is to not interrupt and allow contributions to be completed.

1085 On the point that the Hon. Chief Minister has just made, I have not suggested for a moment that we have not been dealing with tax evasion for as long as we can recall in the financial services industry. If he has interpreted it in that manner then he has, unfortunately, misinterpreted it.

1090 There is one point, if I can find my place in my address following the various incidents; (*Interjection*) Gibraltar cannot and should not seek to stem the tide of regulation – certainly not. But there is a palpable concern which I, and others in the profession here and elsewhere, have expressed about the distinction between the taxation implication for an individual seeking to avail him or herself of the services a jurisdiction like Gibraltar, or others might be able to offer, and the importance of the confidentiality and/or security of the information itself.

1095 Concern is growing for the security and confidentiality of information shared on registers, or between tax authorities around the world, for very good reason. In times of austerity – where communities around the world are facing more cut backs, more cuts in salaries, and cuts in services – wealthy families are increasingly becoming exposed to risks of being targeted by those less fortunate and those of less noble intent.

In certain countries around the world, Mr Speaker, gangs are resorting to stealing tax return documentation to help them identify wealthy families, and then proceeding to kidnap a family member for ransom. They are then showing the hostages copies of this documentation as a means of telling them: ‘we know what you are worth’.

1100 This is a concern that has been raised – not just in Gibraltar but certainly as part of my professional endeavours in a recent visit to Switzerland. And, in a world where the likes of Google, Amazon and Starbucks, and generally the well-to-do, have become easy and populist targets for politicians around the world – who decry the use of tax mechanisms to limit or reduce taxes payable by such giants of business, despite the wealth such companies generate for the communities in other ways – is it preposterous to suggest that the sharing of sensitive information between tax authorities and other agencies could be a matter of concern for finance centres like ours? I certainly do not think it is.

1110 I am keen to stress that my concern is not one of the potential limitation that this move towards automatic exchange may represent for Gibraltar’s product, but simply that the more places information is stored and shared, the more likely it is to be found and put to the wrong use. In that context, I trust that the Minister will just take this on board and bear it in mind as we move together along this international political agenda in Gibraltar’s future.

1115 Finally, Mr Speaker, and commenting generally on the impact of his Government’s labour policies on this area of business – and here come the barbed comments – it has to be said that if there is a home grown threat to the continued well-being of our financial services and other service industries, such as gaming, it is his hon. colleague the Minister for Employment’s worrying and over-protectionist labour policies, which threaten the viability and commerciality of local business.

1120 I need to make clear that this party on this side of the House is all for creation of jobs for locals as a priority. We are committed to taking care of our own. However, whilst bearing that in mind, we would be fools, Mr Speaker, to allow the party political pursuit of unchecked nationalist and protectionist policies, which impose barriers to business in an already difficult context, to shape the administration of labour in Gibraltar.

1125 In that context, I would now urge the Government to tighten policy controls to ensure that none of these anachronistic and unnecessary polished shenanigans see the light of day, as the last thing the lawyers in this House, of which there are a few, and the rest of the professional community at large, wants to see is the effective souring of the milk for businesses operating here. (**Several Members:** Hear, hear.)

1130 On that note, I move on to Traffic and Transport, Mr Speaker, and these are both areas for which I have significant interest – both as matters which affect the community as a whole, and as matters for which, as a petrol head with a keen interest on two-wheeled pedal-powered transport, I have a special affinity for.

1135 I will say, Mr Speaker, that, much as the Chief Minister thought he was making, of labelling me a petrol head in his reply to this debate last year, it is accepted wisdom that you are not a real petrol head unless you have owned an Alpha Romeo. I have not had the pleasure of owning one, but perhaps the Hon. Chief Minister himself knows others in the Chamber who have indeed had one, or maybe even two.

1135 **A Member:** I have had two.

**Hon. S M Figueras:** Thank you.

1140 On transport, I have had the pleasure of dealing with my good friend, and I recall one time colleague, the Hon. Minister for Transport, on these matters and, in particular, in relation to the GibiBikes urban bike rental scheme and its development. I will admit, Mr Speaker, that I was not encouraged to hear, very shortly after the General Election of 2011, as the Hon. Minister for Transport declared cycling dangerous in this House at the drop of a hat. On that basis, I feared for the survival of the urban bike rental scheme and the outlook for cycling generally in Gibraltar.

1145 I can reveal, however, that I have been working very closely with him on this particular subject, and I am hopeful that we may be able to collaborate across the floor of this House, to bring about a solution for a much loved and needed service in Gibraltar.

1150 In relation to the buses, Mr Speaker, I was also aware from the Hon. Minister, that work was afoot in respect of the replacement of the bus fleet for Gibraltar. Equally, given my Hon. and Learned Friend Mr Damon Bossino's intervention on the subject of the deterioration of the bus fleet during last year's Budget speech, I understand, and have experienced for myself, that the standard of repair of our bus fleet, one of the standard bearers for Gibraltar and all it represents in the 21st century, is much improved. I eagerly anticipate further news on the fleet's replacement, as I am keen to understand which solutions are being proposed for our community in this respect.

1155 As far as the taxis are concerned, Mr Speaker, also this is a work in progress, which we will give the Government the benefit of the doubt, in respect of, for some time, in order to allow for the new GPS enabled meter system to have an opportunity of having an impact on the service. I am hopeful that this service will improve, particularly at the border and airport at peak times, given that I continue to receive some reports of delays and difficulties in that regard.

1160 I am, Mr Speaker, as hon. Members on both sides of the House I thought now appreciated, but I am not sure of any more (*Laughter*) able to recognise the good and the bad in local politics. The Sardeña affair has to be a rather unsavoury and inevitable black mark on this Government's record so far. The manner in which the whole thing has been handled has, frankly, fooled no-one. The fact that we are still pending resolution, in respect of what should be a relatively straight forward matter, just does not inspire confidence. I am not going to rehearse the facts or chronology of this case again, Mr Speaker, as it is entirely unnecessary and I am not in the business of wasting this House's time.

1170 The simple reality is that in this day and age, when information is so easy to come by, the spectre of cronyism, favouritism and contracts for the boys looms large over this Government's term in office so far. (**Several Members:** Hear, hear.) It is important also to note, Mr Speaker, that it is down, in no small measure, to the dedication of concerned individuals, who bring matters of this ilk to our attention that we continue to do such sterling work in Opposition. (*Interjection*)

1175 By way of a side note, before returning to the substance of traffic, it is perhaps one of the more notable down sides of living in a community as small as ours that, during the GSLP's second reign of... second reign, (*Laughter*) few of those with the ability or fora to publicly air these matters in a non-partisan, independent and objective manner are put off their noble pursuit for fear of consequences on their personal lives. (*Interjection*) And in that context, I must admit, Mr Speaker – (*Interjection*)

**Hon. Chief Minister:** A hugely important Point of Order.

1180 The hon. Gentleman has got up in the Parliament of Gibraltar and said that there is fear for people's lives? Has he said that, Mr Speaker? That people fear for their lives? Because, if he has said that, I am going to ask that you ask him to withdraw. (*Interjection*)

**Hon. S M Figueras:** Mr Speaker, no I have not said that.

1185 I have said that... and I will read it – thankfully it is written so I can say it again – that few of those, with the ability or fora to publicly air these matters in a non-partisan, independent and objective manner, are put off their noble pursuit for fear of consequences on their personal lives. There is no matter – (*Interjection*) On their *personal lives*, yes, (*Interjection*) yes. Mr Speaker, the Hon. Chief Minister's nervousness gets the better of him once more. (*Laughter*)

1190 However, in that specific context... (*Interjection*) Specifically in that context, Mr Speaker, I must admit that the Government has indeed been very innovative in respect of one Gibraltar's hitherto most vociferous writers. If you cannot beat them, employ them.

Turning now to deal with traffic, I found it very interesting yesterday that the Minister should tell us about 100 additional parkings in Catalan Bay when, just last month, I had asked him whether there were going to be any additional parkings and he flatly said 'no'.

1195 I also note from the Hon. Minister for Traffic's comments during last year's intervention – something, which I consider is very telling about the Minister's approach to this area of responsibility – the Minister said 'that the Trafalgar Interchange', Mr Speaker, 'was an example of a project where the previous administration did not research the project enough before going ahead', hence the supposed nightmare arrangements for pedestrians negotiating it. Surely, the Minister understands, or at least we hope he does, Mr Speaker, that the design of something like the interchange simply cannot take the interests of all stakeholders and give them all equal weight.

1200 Highways Engineers – the Ministers now own civil servants – will have surely participated in the process to build an interchange – to design and build an interchange – to favour the largest group of users, whilst trying to limit the inconvenience for smaller groups. That is what is has to be about, doesn't it, Mr Speaker?

1205 But be that as it may, I can go no further in this speech without mentioning the all-consuming ever present Sustainable Traffic and Transport Plan. The GSD Opposition has long since accepted, a long time ago, that the Government was always going to take the GSD's integrated traffic management plan and rubbish it, with a view to establishing a more realistic starting point for achievement in this field.

1210 The survey is, apparently, now complete and we wait, with bated breath, until the data is collated, a report produced, and recommendations made. We wait with bated breath because there are not many questions that my predecessor or I have asked of the Hon. Minister for Traffic that have not been met with the standard form of reply: 'let's wait and see what the survey says'.

1215 I will admit, Mr Speaker, that I was, for some time, unsure as to my hon. and learned friend Mr Damon Bossino's impatience with this portfolio, until I inherited it. It is a frustrating exercise too, as question after question invokes the same answer.

I understand that there is a plan being drawn up and that, since we are paying for the thing, we might as well wait and see what it says.

1220 **A Member:** A lot of money.

**Hon. S M Figueras:** But surely we cannot be shackled by the terms of reference to do nothing. I have commended the Hon. Minister on the installation of the intelligent traffic lights at the junction of Queensway and Europort Avenue, as well as the installation of pedestrian crossings on Bishop Caruana Road. Can we do no more than that while we wait for the plan to be complete?

1225 What is certainly a contradiction in terms, in my view, Mr Speaker, is the Government's stated intention of waiting for a plan to be devised for sustainable traffic and transport for Gibraltar, and their determination to tick every box in their manifesto, which includes the commitment to deliver double the number of car parking spaces in the area of Commonwealth Parade.

1230 Isn't it correct to say, Mr Speaker, that if the plan – the Sustainable Traffic and Transport Plan – is the centre point of everything they do to fix Gibraltar's perennial traffic problems, much improved by the GSD Administration during their 16 years in Government (**Several Members:** Hear, hear.) (*Banging on desks*) that they should be putting some time of caveat on that particular commitment? Something along the lines of: 'we will deliver twice the number of parking spaces, subject to approval and advice received from Messrs Mott MacDonald'.

1235 The Sustainable Traffic and Transport Plan may well prove insightful. It may even prove to be helpful. The problem is that, like me, there are many in the community that cannot shake the idea that the plan is just a cynical ploy to either avoid investing in any major programme of infrastructure works on our roads during this term, or perhaps a way to disguise the fact that this Government simply does not have any ideas of its own in the traffic context.

1240 One thing is clear; the massive strides this community took, in the context of traffic management in Gibraltar during the last 16 years of the GSD administration, is a matter of record and attributable to this party, the party that I proudly form part of today. The GSLP Government, Mr Speaker, will struggle to deliver progress on such a scale and will in future, I am sure, happily point the finger at the Sustainable Traffic and Transport Plan as the root of all it does or all it does not do.

1245 And so, Mr Speaker, I would like to say a few final words to conclude my contribution to the debate this morning. What this Government has done since it took office, is to take a ship that was sailing well in stormy seas, kept her on an even keel and proceeded to polish the bells and whistles... (*Interjection*) (**Some Members:** Hear, hear.) (*Banging on desks*) whilst drawing as much attention as possible to the buff and the blush as they can muster.

1250 They have been conscientious, Mr Speaker, indeed they have; conscientious to ensure that they have not missed a single opportunity to blame the GSD and rubbish its legacy; blaming us still – 18 months after they took office – for all the problems and crises of their own making.

1255 The Hon. the Deputy Chief Minister said to us yesterday in this House that everything they do, they do because they just want to make Gibraltar a better place. I wonder, Mr Speaker, whether in order to make this a better place they are satisfied that misleading the electorate at by-election time is the way to go. They say that the only vote that counts is a vote for their candidate, that any other vote is a wasted vote. This, Mr Speaker, betrays the reality of the value that they place on democracy. They tell the electorate that this is an election for a Government seat and that, as their candidate is the only one that could fill it, a vote for any other candidate is a wasted vote. They choose, Mr Speaker, to shamelessly mislead the electorate about the by-election, desperate to secure a victory, whether they have to put their principles on the line or not. Something that they have shown time and again that they are happy to do.

1260 But it is particularly peculiar today, Mr Speaker, because the Hon. the Chief Minister has, himself, said that he could easily run Government with nine Members. With their keen eye on expenses, and their ability to run Government in its current streamlined form, why is the Government so keen on an electoral victory, Mr Speaker? The Government is, once more, deceiving the electorate in the fashion of their handling of the referendum on our constitution, by saying that to vote for anything other than the GSLP is to waste a vote, because it is nervous about its popularity, its very *raison d'être*.

1270 We on this side of the House are excited about the election, contrary to the negative campaign of the Government. We are out in the community going door to door, telling constituents how important it is to go and vote, whoever they decide to vote for. Clearly, Mr Speaker, we believe the GSD is the absolute best option for this community (**Some Members:** Hear, hear.) (*Banging on desks*) but we are not willing, despite our confidence in that, to deceive or dupe the electorate into giving us their vote. The Government, on the other hand, will.

1275 Let them be reminded that it was they who were told, on three separate occasions, by this electorate, that they were not wanted – by an electorate consumed by frustration and the divisive negative and irretrievably partisan politics of the GSLP. Let them be reminded, Mr Speaker, further, that it took almost 16 years of political attrition for the GSD and an election bonanza, offered by the party now in Government, to shoehorn themselves into Convent Place without a majority of the electorates vote on their side. (**Several Members:** Hear, hear.) (*Banging on desks*)

1280 They have done some good work, Mr Speaker, they have, (*Interjection*) and I will happily acknowledge that. But, as a good friend, who knows a thing or two about politics, recently told me, (*Interjection*) the biggest danger with the Members opposite is their narrow mindedness – the fact that all they are thinking about is their own party political agenda and nothing else. He went on to say that so long as they are ticking boxes in their manifesto, that is all they care about. I do not enjoy agreeing with my friend any more these days, but he was certainly right about that.

1285 Thank you, Mr Speaker. (**Several Members:** Hear, hear.) (*Banging on desks*)

**Mr Speaker:** The Hon. Miss Samantha Sacramento.

1290 **Hon. Miss S J Sacramento:** Mr Speaker, it is a pleasure to address you and set out my Budget for the year ahead, which follows an extremely busy and productive year.

1295 Having had the benefit of being in office 18 months, I can proudly say that there has been a marked difference in the work that has been undertaken by my Ministry and my Departments. This year, I have an additional portfolio that I have taken over since the sad passing of my colleague and very good friend Charles Bruzon. While I do not have the years of wisdom that Charles had, I hope to continue what he started and do him proud in dealing with the Ministry for the Elderly, with the same dedication and hard work that I apply when dealing to the rest of my portfolio.

1300 This past year has mainly been spent addressing pressing social matters, which were neglected or forgotten by the previous Administration; forsaken by misspending on luxurious projects. The most visual of these are probably the intervention at the RNH Estate, and the changes at the old St Bernard's Hospital that I will refer to in greater detail further on.

1305 Mr Speaker, last year I described the Care Agency as a monster, an uncontrollable beast, because this is the way that both its management and staff felt. Through constant reviews of the service and working very closely with the Chief Executive and management, while, of course, not yet perfect, I am happy the general feeling that the Care Agency report is that it is greatly improved and is, nowadays, much less of a beast. It is felt, throughout the Care Agency that it now has direction and everybody is focused on the path they need to take.

1310 Importantly, I am told that there has been a significant improvement in staff morale. This was incredibly low when we took office, not least due to the disjointed management of the place. People tell me that they are now proud to say that they work for the Care Agency because they have the tools and are in a position to deliver.

1315 The focus of the Care Agency now is to make it a great place to work, to deliver effective and professional services and optimise the outcomes for its service users. The central administration of the Care Agency is now better consolidated and more cohesive. We have had a new Chief Executive since October 2012, in an acting capacity. I have been working very closely with the CEO to improve and develop the Agency. This has also meant that the previous acting Chief Executive has reverted to her substantive role as Clinical Standards Compliance Director and has been able to lead on the training needs which have, this year, been delivered in an unprecedented manner, and will continue to do so in the year ahead.

1320 As stated in my Budget speech last year, training for staff is an essential component in social care. Last year, we increased the complement to introduce a new training co-ordinator post, a training assistant, together with administrative support. This enhanced team has allowed the delivery of training and development of new and existing staff, in addition to collaboration on multi-agency training. The Care Agency is continuing to strive towards ensuring that its workforce has appropriately skilled people in the right places, working to deliver high quality care.

1325 For the first time, the training team is working closely with the managers from each of the services, ensuring identified training needs, which include specific subjects identified by them.

1330 The generic core training programme continues to be held regularly in response to service demand, ensuring trainees receive the necessary underpinning knowledge to allow them to work within the Care Agency, while they gain further practical and theoretical experience prior to taking up employment in the Agency.

1335 The generic core training programme is continually evaluated, improved and developed, based on feedback and current research. Last year a total of 65 training sessions were delivered, as compared to 59 in the previous year. Furthermore, a lot of this training is now being undertaken by the Care Agency's own specialised and experienced staff; thus reducing the cost of having to commission external training. The number of in-house key trainers for the past year, trained to deliver training, has increased to 46. The year before, the figure was 24.

1340 I am particularly proud, Mr Speaker, that we are now delivering our DCRT training in-house. Whereas before, this was commissioned externally, we have now trained four Care Agency employees up to Level 3 in DCRT. They have also undergone the trainer course and they are the ones who are now delivering DCRT training Level 1 and Level 2 to all the staff in the Care Agency. In addition, this year the Care Agency has seen 14 employees achieve Level 2 NVQ qualifications in health and social care, and five employees achieve A1 NVQ Assessor qualifications.

1345 The Care Agency will continue to invest in its staff to undergo NVQ training, as well as support care staff who may wish to apply for enrolled nurse training provided by the GHA. The Care Agency is now working closely with the GHA and is sharing learning opportunities. Staff from the Care Agency have attended courses provided by Kingston University at the GHA.

1350 We have also been working with the Tourist Board in order to provide training for their staff, particularly life-guards, to allow the continued running of the extended accessibility facilities at the beaches.

1355 Turning to administration, Mr Speaker; in my speech last year, I expressed shock when I discovered that the salaries paid at the Care Agency were calculated by hand, using the old Kalamazoo system. I can confirm that the salaries, which were historically done manually, are now processed electronically. This has finally become a reality for all those concerned who never thought this would materialise.

The element of error has now been reduced drastically as all calculations are undertaken by the programme, and staff have been released of the stress they previously endured. All necessary reports are produced by the programme and payslip advice is now in line with all other Government Departments and Authorities.

1360 Another small investment this Government has made in the administration of the Care Agency, is in commissioning a database for Human Resources. This will entail the inputting of all employment and qualification details of personnel, allowing information of every single one of the almost 600 employees of the Care Agency. This will allow a full amalgamation of Human Resources, which had not yet materialised, even after four years since the inception of the Care Agency. So, although this is a small

1365 financial investment, it is a huge one for the service, as working without this database has been a nightmare for the staff at Human Resources.

The structure of Human Resources has slowly been regularised and is now working in better conditions than when I inherited it from the previous Administration. A new staff handbook has been commissioned. Essentially, the two handbooks of the previous Elderly Care Agency and Social Services Agency were never consolidated, and the Human Resources Department continued to operate as two separate departments, until last year.

1370 Turning to Social Services, Mr Speaker, a review of which is continuous; this is comprised of four teams: Children and Family; Adults; Drug Rehabilitation; and Probation and Disabilities.

1375 Last year saw an expansion of staff by two social workers. This year there will be an increase of a trainee social worker post, and there has also been an innovation this year in the creation of two posts of assistants to social workers. These are administrative posts which provide dedicated support to social workers, to enable the latter to better dedicate their time to social work. Insofar as the Children and Families team, Mr Speaker, the ongoing review of the Care Agency is markedly apparent in this team. This is a service that is not without its problems, given the complex and reactive nature of the work undertaken.

1380 We have looked seriously at service delivery and service improvement, to improve outcomes for children and young people who require this service. This team has, in the past year, progressed from child protection to a broader safeguarding agenda. The aim is to progress this service from being a reactive one to a preventative one, but this is not an outcome that can be achieved overnight. There has been management restructure within the team, and staff are more autonomous in their decision-making and better supported in terms of supervision.

1385 As a result of yet last year's growth posts the service has developed tremendously this past year, not least, it has assisted in reducing the case load of the other social workers. One of the new social workers appointed last year has a background in working with children with disabilities, and a lot of work is being undertaken developing policies, such as the provision of respite for children with disabilities.

1390 The Children's Residential Team has also been reviewed. In this context, we are also looking at providing for children with challenging behaviour, as well as for secure accommodation. This is not a simple thing to do, but we are looking at it carefully so as to get it right, given the importance of this facility.

1395 Furthermore, the Family Team have the additional responsibility of managing Court Welfare, which was transferred to this team at the end of last year. Management and staff have dealt with the transition and absorption of this service admirably. This team is also looking at developing an adoption and fostering policy, and we are, at present, undertaking a review of the Adoption Act. There has been great emphasis on training for professional staff, and social workers have started attending professional training courses in the UK. Furthermore, last year the Care Agency subscribed to an online professional research tool. This enables social workers to access the latest research and practice developments, and provides them with invaluable current information.

1400 Safeguarding children is the top of this Government's agenda; it is an absolutely fundamental principle when it comes to child protection and safeguarding. The multi-agency child protection forum is proving very effective. This forum, of various Government agencies led by Social Services, includes representation by the Department of Education, the RGP and Health Services. Under this forum, the Care Agency provides Tier 1 and Tier 2 child protection training to Government Departments and the voluntary sector on a monthly basis. This past year, they have delivered a record number of training and now over 650 multi-agency professionals and volunteers have been trained. This has had a tremendous effect on raising awareness on child protection issues and is also a recognition that the responsibility for child protection does not only fall squarely on Social Services.

1405 By way of service development, we are in the process of commissioning the production of formal child protection procedures. This would provide a critical leap forward in the child protection agenda and will be instrumental.

1415 On the subject of child protection, Mr Speaker, a glaring hole that we discovered, is the lack of regulation of vetting of people who work with children. We have acted on this in very little time and have already drafted regulations on the vetting of people who work or volunteer with children and vulnerable adults. We hope to introduce this legislation as soon as possible.

1420 Turning to the Disabilities Team, Mr Speaker; the development of adult disability services this past year has been remarkable. This has been attributable in great measure by two factors. The motivational leadership of the acting team leader and the intense training provided to members of staff. The focus of the services provided by Dr Giraldi Homes and St Bernadette's Resource Centre has changed to provide structure and enrichment to services provided to service users. There have been a wide range of new activities introduced and greater participation in community events promoting integration. For example, this year saw the first ever sports day at St Bernadette's Resource Centre; an event that was held in conjunction with the GSLA, and a programme for employment of some service users has commenced.

1425

Mr Speaker, we have set up an enquiry into the allegations of abuse and misconduct in the Dr Giraldi Home, so that a line can be drawn under the allegations which have been hanging around and concern the community for far too long.

1430 Turning to probation, Mr Speaker; this service has continued to operate from within the Care Agency, although it works very closely with the Ministry for Justice. Over the past year the management of this service has been changed as part of the Care Agency review. Whereas previously this formed part of the adult team, it is now headed by a team leader who is himself a probation officer. Essentially the team has been augmented, with the appointment of a further probation officer and a part-time probation officer. As  
1435 such, the team now consists of three probation officers – doubling the previous complement of 1.5 – and also a community service officer.

This team provides a vital service to the criminal justice system, in providing risk assessments to assist the courts in the sentencing process. In 2012, the Probation Services provided 160 pre-sentence reports to the courts, in criminal cases. Except for a small number of isolated cases, all these reports were delivered to the courts within the agreed timescale of three weeks. This is a significant improvement from  
1440 the past and we have also implemented a system of quality control to ensure that all reports meet the exacting standards of the judicial process.

The enactment of the Criminal Procedure and Evidence Act 2011 has had a significant impact on how the Probation Service now operates. There is a new range of community disposals that the Probation Service is expected to manage; notably drug treatment and alcohol treatment orders. These present a real  
1445 opportunity for offenders to break the cycle of substance abuse and offending that are so closely interlinked.

Another area that has seen much improvement is the unpaid work requirements, formally known as community service orders. Many local organisations, public services and charities have benefited from the scheme. For example, much of the refurbishment of the John Mackintosh Hall and at the Garrison Library is down to offenders completing these community sentences at these sites. I have to publicly  
1450 thank the various placement providers for supporting the scheme. Community service now enjoys a degree of credibility and confidence that it lacked in the past. A special mention must go to our Community Service Officer who has worked indefatigably to achieve this.

A further important innovation for the Probation Service will be the use of a room within the new court building, which will be used as a base for probation officers during court working hours. This will result in the Probation Service being able to implement a duty system, to enhance the service it provides to the court, with a view to expediting pending court matters.

One significant development the Probation Service will focus on this year is the service it provides to the prison. Steps have already been taken to commence addressing this. The service has made contact with an organisation in the UK and will be undertaking a training schedule over the coming year, in order to better equip officers to carry out specific work with offenders in custody.

And now on the subject of drug rehabilitation, Mr Speaker; in last year's Budget Speech, I highlighted the state of the Drug Rehabilitation Services, as set up by the previous Administration, and how these were clearly failing to reach those individuals and families they were supposed to be helping. Statistics show how low the number of admissions to Bruce's Farm has been over the years. It is quite concerning,  
1465 given that there is a substance abuse problem in Gibraltar.

I also addressed the lack of any focused or strategic thinking on this front. Over the past year, a clearer picture has emerged of the services and initiatives that need to be developed. I have spent a great deal of time listening to staff and all the stakeholders, particularly voluntary groups, who can attest to the open door policy that I have adopted with them. This has been instrumental in shaping the thinking on what needs to be done on this front. I am pleased to say, that as a result of assessing the situation this past year, this coming year will see a range of initiatives at all levels, that I am confident will impact on the issue that, as I said last year, we need to get right.

During my last Budget intervention, I pointed out that we need a complete rethink on how our drug and alcohol rehabilitation services operate. Over the last year, we have extended some of these services from a purely residential model to a more community based model, with promising results. At most times, more people have been seen within the community service than at Bruce's Farm Drug Rehabilitation Centre. Many of these would have had no recourse to any help in the past. We have also made the admissions process more accessible and flexible for those wishing to access Bruce's Farm with the input of the GHA.

As I speak, I am reliably informed that this week will see the highest occupancy of this service in over five years. We have also facilitated the process to assist inmates at Her Majesty's Prison, who genuinely wish to address their drug use and, so far this year, several inmates have been released on parole, subject to the condition that they complete a programme of rehabilitation at Bruce's Farm. Since 1999, only three  
1485 inmates have been able to access Bruce's Farm via this route. However, I recognise that a lot more still needs to be done. The Drug Rehabilitation Service that this Administration inherited was a stale and



stagnant one, which was clearly limited, and not reaching out and helping those in the community in the way that it ought to.

1490 This last year has been one of taking stock; listening to the right people and identifying where the gaps in the service provision lie. I recently had the benefit of visiting the UK, with two senior officials from the Care Agency, in order to familiarise ourselves with the established and respected provider of community drug rehabilitation services. This is helping us to develop a clearer picture on how this model can be adapted and implemented locally. We also need to improve the current residential rehabilitation model and to this end, a visit has been planned to a centre in the UK with a view to enhancing our practice, training, as well as developing other joint initiatives.

1495 In addition to the provision of facilities available, Mr Speaker, I have been working on the establishment of a working group that will be tasked with producing a strategy on how to deal with the drugs problem in Gibraltar. This group will not be a stagnant paper exercise, as was the case with the Drugs Strategy that was developed by the previous Administration in 2003. It will be a dynamic project that will produce real outcomes. The committee will consist of individuals with a wealth of experience spanning a range of disciplines, including the public and voluntary sector. Crucially, it will also include past service users of the rehabilitation service.

1500 It is not to say that because new committees are being set up, that no strategy or policy developments have taken place this past year. In my speech last year, I undertook to ensure that there was a more robust approach to public awareness campaigns of drug and alcohol use, particularly among the youth.

1505 We have undertaken two very successful campaigns last year, during National Week and over the Christmas season, alerting to the dangers of binge drinking. This involved a coordinated approach across various traditional and social media, television adverts and posters on buses. This was complemented by a programme of talks at comprehensive schools by the Care Agency Drugs Team Leader, the Police and former addicts.

1510 The multi-agency collaboration has produced fantastic results and this will set the benchmark for how we will conduct similar initiatives in the future. I am particularly grateful to the members of the voluntary groups who have given up their time to deliver such talks to children. I have attended some of these sessions and have personally witnessed how effective their presentations can be.

1515 Turning now, Mr Speaker, to the Adult Team at Social Services. The workings of the Adult Team has been completely overhauled. By removing management's responsibility for court welfare and probation, this team are able to concentrate exclusively on the care of vulnerable adults. In addition to the day to day referrals of vulnerable adults, the team now manages the one point entry system into elderly care. This includes domiciliary care, day centres and residential care. This means that there is a consolidated and more professional approach to elderly care.

1520 The one point entry system for referrals, assessment and access to a range of services has proved to be very effective. Since 1st April this year alone, the adult team have received a total of 421 referrals from people, ranging from professionals working in different agencies to relatives and neighbours concerned about people living in the community. This number is increasing on a monthly basis as our community realise services are no longer stagnant but available to those who really need them. I am pleased that the new systems implemented ensure that all services are allocated in a fair and equitable way, based on each person's individual health and social care support needs.

1525 The services being provided for elderly people in our community continue to be developed and increase at a significant and dramatic rate, and this is to the credit of the Adult Team who have worked so admirably hard over the past year, to completely turn this service around. The old waiting list system of people applying for residential care at the age of 60 years – when admission was based on the basis of time of application and determined solely on this, regardless of any other factors, such as risk of the vulnerable elderly person in the community – was considered unfair and tantamount to abuse of the vulnerable elderly in the community, in urgent need of admission. Some of them, Mr Speaker, unfortunately, would die while they waited to get to the top of the list because the previous Administration did not change its policy.

1530 Entry into Elderly Care Services is now needs based and ensures that the most vulnerable people in our community are given priority. All people on the previous waiting list have been contacted and those requiring the services at this point have been identified and assessed. Since April 2012, a total number of 48 people have been admitted to Mount Alvernia, Calpe Ward or Cochrane Ward and because of the review of the system, Mr Speaker, every single one of these individuals are the ones who were in most need of admission.

1535 Domiciliary Care Services... (*Interjection*) Of course, he knows I am right.

1540 Domiciliary Care Services are now being provided by two providers and an additional 68 people have been granted various hours of domiciliary care. This means that we are now providing domiciliary care to 168 people. In 2011, before this Administration took office, a total of 43,056 hours of domiciliary care were provided. During the past financial year, this has been increased to 97,702 hours – quite an achievement within such a short space of time, I am sure you would all agree. (**A Member:** Hear, hear.)

1550 There is now, Mr Speaker, an electronic database to record domiciliary care and applicants. The staff spend weeks and months trawling through boxes of paper in order to implement this, because under the previous administration, records were simply not organised. Now, all the domiciliary care systems have been updated, and it is possible to easily monitor who has received hours and ensure that the funds granted are being effectively and efficiently administered, and that we are getting best value for money services.

1555 Historically, Mr Speaker, a common complaint was that the Care Agency worked in isolation with very little communication from other Government Departments, but this has been changed in the last year and a half, with a holistic approach being set down. This has been further developed, with a number of new initiatives being instigated and existing systems have been updated and improved. This has ensured improved communication between different agencies and resulted in an integrated approach to people's care and support.

1560 As far as we are concerned, Mr Speaker, this is one Government and not various individual Government agencies. (A Member: Hear, hear.)

1565 The quick response initiatives between the Police and Adult Services are going from strength to strength, with 105 people now receiving this valued service. People on this list also receive regular monthly phone calls from Adult Services, in order to identify any changes to the person's social care needs or circumstances. This pro-active work by my team identifies difficulties at an early stage and often prevents unnecessary admissions to hospital.

1570 Regular multi-disciplinary discharge meetings within the hospital are now attended by social workers, Mr Speaker; that is an innovation that we have introduced. There is also a new funding system in place, which makes the whole process seamless. This improved multi-agency working practice minimises any potential delays in the person leaving the hospital. It is not only more cost effective and time effective, but it also improves the quality of life of the person as most people want to return home as soon as possible.

1575 It is in our interest, Mr Speaker, to ensure that these elderly people return home to a safe environment. Twenty-five new packages of domiciliary care have been approved since January 2013 alone under this system, to support patients being discharged from the hospital and enabling them to return quickly and safely to their homes.

1580 People wish to remain independent in their homes, with residential care being seen as a last resort. So the significant increase in funding for domiciliary care in the last financial year, has provided an incredible support to people in the community, and is greatly appreciated by those in receipt of this service. Again, this year, we have renegotiated a lower rate for the provision of this service, in order to be able to supply even more packages of care from our budget.

1585 A working party under the direction of the Safeguarding Adults Multi-agency Committee has developed a basic awareness training course for vulnerable adults, and this training has been provided by my Department and has been cascaded down through different agencies. This will ensure that everyone understands their individual responsibility to raise alert if they are concerned a vulnerable adult is at risk at home.

1590 The importance of establishing even more robust working partnerships with key agencies is acknowledged. And it is proposed that the training of new police recruits, for example, in these safeguarding procedures take place in their basic training, in order for them all to be fully aware of this important work, and the procedures in place to protect vulnerable people at the commencement of their careers.

1595 We will continue to develop clear policies and procedures that are concise and transparent to ensure that fair and equitable access to services, to include a three-tier system of day care, will meet the support of different needs of people in our community. The effective and efficient use of day care services, combined with Domiciliary Care Services, will reduce unnecessary admissions to hospital; with residential services being seen as the last resort, as opposed to the only resort. Mr Speaker, as I mentioned in this House last week, our new elderly care day centre will be opening very shortly. This will clearly enhance the services that we can provide.

1600 Turning now to Elderly Residential Services, Mr Speaker; since the one-stop point system was introduced and managed by Social Services, there is a fantastic working relationship between Elderly Care Services and the Social Services Adults Team, and this results in the provision of an individualised service. Regrettably in the past, the staff at Mount Alvernia would never even share the list with the social workers – that, thankfully, is a thing of the past.

1605 Since the commencement of a new nursing co-ordinator, there have been some positive changes to the management of Elderly Care Services; most significantly is the introduction of night duty rounds. This has proved extremely positive with the staff. Last year saw the increment of one part-time physiotherapist and one full-time physiotherapist assistant. The quality and quantity of physio input has increased and is having a positive impact on the health and welfare of residents.

1610 In the next six to nine months, we will see the opening of the new Alzheimer's Residential Unit at the RNH Estate. This is, what can only be described as, a tragic inheritance from the former Administration. It was obvious to me, when I first visited this place, that it was not fit for purpose, and it was confirmed to me by the expert engineer in dementia design, that I commissioned to prepare a design brief.

1615 Previously there had been no design brief and this resulted in the construction of a place where not even a *single room* was suitable for an elderly person with dementia to spend the rest of their days. We have completely re-designed the internal layout, in order that the residents – let us not forget that they are dementia sufferers – can live in dignity.

1620 For this Government, the priority is the people. (**A Member:** Hear, hear.) In addition, we shall shortly, in approximately the next four months, be making available some 36 beds for people with Alzheimer's at the Mackintosh Wing of the Old St Bernard's Hospital. Again, this building is another fiasco and waste of taxpayers' money incurred by the previous Administration.

Mr Speaker, they purported that this building was going to be flats for independent living for elderly people. We showcased these flats to 150 pensioners, but nobody wanted them. Out of all the people who saw them, only about four or five people were interested in them, and even then, subject to conditions.

1625 To make things worse, the previous Administration did not bother to consult with the occupational therapist or elderly care professionals, and as such the flats' layouts were simply not appropriate. Doors are smaller than standard and not appropriate for wheelchairs or Zimmer frames. Therefore, Mr Speaker, this has resulted in a complete waste of money, in the initial design, and has caused us to have to redesign it. This building, in addition to providing beds for elderly care, will also provide five or six flats for semi-independent living on the ground floor.

1630 Having dealt with the Care Agency, I will now turn to my responsibilities as Minister for Equality. The landscape in relation to equality is changing. It is changing physically, in relation to the changes being made to various locations by making them more accessible, and it is changing as things move and policies are developed. Legislation will be amended and, in some cases, new laws will be introduced. I have said it before and I will say it again, equality is at the heart of this Government's agenda.

1635 Mr Speaker, starting with the issue of disability, a lot has been achieved in the last year and a half – much of it very visible. Significantly, works will be done to this Parliament to make it fully accessible, as part of its refurbishment. There have also been assessments of other public buildings with a view to making them accessible. Works have already been taken at the GSLA shallow pool, St Michael's Cave and, most recently, most of Gibraltar's beaches. Provision is made for public events, such as concerts, National Day and the Three Kings Cavalcade. This Government strongly believes in a policy of inclusion.

1640 A register of people with disabilities is being compiled and is almost complete. Significantly, work has been done in relation to a review of the current legislation and in relation to extending the UN Convention on the Rights of the Disabled. A person who will be tasked with developing policy and Government strategy in relation to disability will commence working in my Ministry shortly. This will enable me to further progress this agenda. During this past year, I have engaged with many groups with an interest in disability and we are working together very fruitfully. You will have heard from the Chief Minister's address yesterday, the difference that this year's Budget will make to people with disabilities.

1650 Turning now to gender equality, Mr Speaker; this is a subject that is becoming very popular lately. Perhaps this is due to its profile being raised by having a Minister for Equality for the first time. (**A Member:** Hear, hear.) (*Banging on desks*)

1655 We must, however, ensure that we deal with this responsibly. It is not about rhetoric or quotas. Gender equality is not about having more women for the sake of it, as this completely undermines the work done by women. People should be appointed on merit. What we need to ensure is that people of a particular gender, whether they are men or women, are not placed at a disadvantage. To this end, my Department is looking into issues so that we can develop policies.

1660 In the past year, I have raised awareness of this issue, met with various women's groups and the unions. In March of this year, I attended the UN Commission on the Status of Women, 57th Session at the United Nations Headquarters in New York. This was the first time that a Minister from Gibraltar attended this forum. The CSW is a functional Commission of the United Nations Economic and Social Council, and is dedicated exclusively to gender equality and the advancement of women. I attended many meetings and side events where representatives openly exchanged their experiences, objectives and achievements.

1665 I also recently met with the Minister for Equality in the United Kingdom and I had the opportunity of discussing with her various issues. I also sit on a women's steering group of Commonwealth parliamentarians, and shall shortly be attending a meeting in the UK to discuss women's issues with my fellow colleague parliamentarians.

An issue which is prevalent to women is that of domestic violence, and I am in the process of setting up a forum to deal with this issue and have already commenced speaking to interested groups.

1670 Turning now to the issue of gay rights, Mr Speaker; great strides have been made in the field of gay rights this past year – not least the recognition of gay people. I, as well as many of my fellow Ministers, have had regular meetings with equality rights group, GGR. Most significantly, a draft Civil Partnership

Bill is at an advanced stage, and a draft of this has already been provided to GGR, by way of consultation. We have also met to discuss the issue of hate crimes and hate speech in the Crimes Act 2011. We will continue to work together with interested parties and make progress on this front.

1675 Mr Speaker, the Citizen's Advice Bureau is the body currently tasked with promoting equality under the Equal Opportunities Act 2006. I have been working very closely with CAB's manager and the Discrimination Officer over the past year, in order to support them in achieving their objectives. A very successful training conference was organised earlier this year. I recently met with CAB to discuss equality awareness events in the coming year, and they know that they can count on my full support in this.

1680 Mr Speaker, I am an advocate of working in partnership with groups and associations, and I meet with many of them on a regular basis. A perfect example of this is the tremendous work which my Ministry and I have undertaken with representatives of the Gibraltar Clubhouse Project. This project, which complements the mental health services offered by the GHA, had been operating from the old Toc H building. Which I noticed on my first visit was in a terrible state of repair; mainly due to excessive dampness problems and very hot conditions in the summer.

1685 As part of our working partnership, arrangements for alternative premises at Wellington Front have been made and this will give Club House members a better opportunity to benefit from what is offered by the valued team, while permanent premises for the project are being considered.

1690 Finally, Mr Speaker, in the same way that I did last year, I would like to acknowledge the hard work of my staff and the teams around me and their sheer determination to make a difference. Because they know all too well that we serve the most vulnerable in our community.

1695 I would also like to acknowledge the valuable work undertaken by the different groups and associations who work with me; thanks to their enthusiasm and they strive to work together toward common objectives. This is achieved due to my open door policy and the establishment of solid working relationships with the representatives of these various groups and associations. It has been a pleasure working with everyone at the Care Agency, who are so willing to make the difference and I will now give them the tools and the support to do so.

1700 Insofar as my Ministerial team, I would like to welcome my two new members of staff, who joined me in this past year and have already proved to be very committed individuals, and above all to my Senior Personal Assistant, whose dedicated assistance, in the complex matters we have dealt with this year, has been exceptional. They have all helped me in achieving what I truly believe is now a better service.

1705 To conclude, Mr Speaker, ours is a Government that works for its people and will help those who need it the most. It is my pleasure to work as hard as I can to achieve this. (*Banging on desks*)

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

1710 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it gives me great pleasure to address Parliament as Opposition spokesman for Health, Social Services and Civil Contingencies. It is both a duty and an honour for us on the Opposition benches to contribute to, and vote on, this vital discharge of the responsibility of Parliament.

1715 What a year this has been, Mr Speaker; a year in which the GSD Opposition has held the Government to account on behalf of the people of Gibraltar; a year where the GSD Opposition has questioned Government policy, where appropriate; occasionally even getting an answer to those questions; a year of positive and effective opposition.

Mr Speaker, I begin my address with Civil Contingencies and the Fire Service. I start by referring to the Hon. Minister's Budget speech of last year, where he said that and I quote:

1720 'Professional development in the form of training was unfunded and it was only until last year that some extra funding was provided for this.'

1725 Unfunded, Mr Speaker. I would impress on the Hon. Minister to check the present and past Estimates of Revenue and Expenditure books to see that, under the Head of Operational expenses for the City Fire Brigade and training courses, he will note that this has been funded to the tune of £90,000 for the last three years. He further stated that, and I quote:

'We have increased it even further only months after coming into office.'

1730 As if only his Government could possibly understand the value of training and continuous professional development. But wait for it, the increase was of £10,000, Mr Speaker, for the 2012-13 financial year. And not so important it seems this financial year, as the figure remains exactly the same at £100,000 for training, not even an increase to account for inflation.

1735 With much fanfare, and many photo opportunities, the Minister said how he visited each watch of the City Fire Brigade to observe them performing different exercises, in order to address the so-called demotivation that the Fire Service had endured for many years. How many more motivational visits has the Minister made to the three watches of the City Fire Brigade, Mr Speaker? Perhaps he could have been a bit more honest by stating it was a familiarisation visit, as would be the norm, and not spin it to sound as though, if he had not visited them, the Fire Service would have collapsed in a morass of demoralisation.

1740 The Government commissioned Sir Kenneth Knight, the UK Government's Chief Fire and Rescue Adviser, to conduct a scope study of our local Fire and Rescue Service, which was completed last November. Seven months later, we are still waiting for the contents of the report, in full, to be made public. Not, of course, the first Government report that has been delayed; perhaps it has not yet been formatted. But we look forward to hearing of the findings of the report regarding the re-organisation and transformation of the Gibraltar Fire Service and Defence Fire Service; what the recommended modern working and shift patterns are; what the terms and conditions of service for the fire-fighters are.

1745 There is also still no word on the re-location of the Fire Station, on which Sir Ken Knight would have had a view, and no commitment for it again in this year's Budget. Such a delay in informing the public makes one thing that Sir Ken Knight's recommendations may not be what the Government was expecting. Will the Minister now be cherry picking recommendations from the report, so as not to upset the apple-cart, (*Interjection*) or are issues being moved in private by activists, as has become the practiced norm of the GSLP?

1750 The Hon. Minister was also critical in his last Budget that C3, and I quote:

1755 'Table top exercises had not been carried out, as should have been the norm,'

and that, I quote:

1760 'C3 Meetings would be convened regularly in order to evaluate current procedures.'

1765 Well, Mr Speaker, that is another budget commitment that has not yet been fulfilled. The full C3 has met three times in the last year and a half; hardly regular or evaluative. I wonder whether, in one of those three meetings, the Civil Contingency was discussed for when Gibraltar's only two brand new emergency ambulances broke down, in the same area of flooding along Queensway? Both of Gibraltar's emergency ambulances using the same route, and out for the count at a time when they were potentially most needed. And the City Fire Brigade tied up rescuing them, when they too were on alert and most needed during a power cut on a day of pouring rain and floods. That procedure needs evaluating by C3.

1770 We also hope, Mr Speaker, that the new Medical Priority Despatch System goes live very soon. We have had several concerns raised, where members of the public have called the ambulance in an emergency, only to be told that they are both busy and they either have to wait or get a taxi. The City Fire Brigade operates a third ambulance which is also deployed in these circumstances. However, they are neither paramedics nor trained health professionals. A pre-scoop of the patient triage system is absolutely essential to ensure that emergency ambulances are not called to incidents that are not emergencies, thus depriving those who really need them.

1775 Mr Speaker, still on the topic of ambulances, the new ambulances and patient transfer vehicles are very welcome. £1 million well spent, or is it? The Hon. Minister Costa, who was shadowing Health in Opposition, went to great lengths to highlight the inadequacy of the then fleet of ambulances and how they kept breaking down. Some did not even start, and that they were not fit for purpose.

1780 But let me put things into perspective, Mr Speaker, of how the situation is today. In answer to a written question by me in February to the Minister for Health, I learned that in just 14 months the new ambulances and patient transfer vehicles had broken down no less than 52 times, and been off the road for a total of 565 days for repairs, which cost the tax-payer £59,000. Also the cover for these broken down vehicles cost around £73,000. That is a total of £132,000 in 14 months, for ambulances and vehicles that had broken down.

1785 I assume that when Minister Costa stated, in one of his seven ambulance-related press releases in just two months as Opposition Spokesman for Health, that, and I quote:

'The voters can at least dispense with Mrs Del Agua's services as an ineffectual Minister at the next election.'

1790 He did not intend this to apply to his now Minister for Health, Dr Cortes.

**A Member:** [*Inaudible*].

1795 **Hon. Mrs I M Ellul-Hammond:** Yes.

With regard to Health Services in Gibraltar, Mr Speaker; the Hon. Minister opposite presides over the largest community budget, which reflects the importance we give to the free provision of health care. The

1800 estimated budget for this financial year of 2013-14 now stands at £94,506,000, including a contribution for capital expenditure. The GSD Government estimated a health budget of £78,880,000 for the financial year 2011-12, which it saw half way through until the GSLP/Liberals took office after the general elections. In just two years the health budget has gone up by £15,626,000; an increase of around 20%.

While I welcome increases in the health budget, Mr Speaker, it is imperative that those with the political responsibility ensure we receive a value for money health service that adequately foresees and pre-empts the problems ahead, through careful planning, rather than throwing money at it.

1805 Our Health Service, therefore, really needs to show some results and improvements, in order to justify this increase. Given this huge increase and the millions we spend on healthcare every year, it is my duty to raise the question as to why some serious issues had not been tackled, such as: acute bed shortages; cancelled operations; long operations waiting lists; months to get an appointment with a consultant; a CT scan that keeps on breaking down; locum cover that is still at a high of £2 million estimated for this financial year; and a GHA board which remains ineffective with no accountability for how the GHA organisation works and to ensure that it offers value for money.

1810 These fundamental necessities and issues are not achieved simply because the GHA board is meeting in public under a veneer of openness, as the GHA process remains exactly the same as it has been for the last 20 years with little empowerment of its members. Perhaps, Mr Speaker, we can put all of this down to rookie error. *(Interjection)* Mr Speaker, my Budget address has to respond to that of the Hon. Minister of last year; to assess whether his pledges have been fulfilled or whether his allegations made of the previous Administration had any foundation.

1815 Dr Cortes stated last year that the executive structure of the GHA – of which he and his party have been so critical – was created by the old regime in No. 6 Convent Place, that doctors were banished from the management board, and directors were personally appointed. Well, Mr Speaker, this is the very same executive management structure that was advised and created in 2004 by the then temporary Joint Chief Executive Mr John Langan. The very same Mr John Langan, commissioned by Dr Cortes, who has been paid exactly the same as the former Chief Executive Officer Dr David McCutcheon, to review his own GHA executive management structure, with little changes so far yet and still no medical advisory council. The same Mr Langan who withdrew the so-called flawed consultant contract in December 2004, and was, until recently, paid to find a solution to the ongoing consultant contract problem; which has still not been resolved as per his brief, despite last year’s Budget commitment to, and I quote:

‘negotiate a fair reasonable agreement that places reasonable expectations on the consultants.’

1830 And about which Dr Cortes stated, and again I quote:

‘I expect agreement this year.’

1835 Dr Cortes criticised a GHA that he inherited, and then employed the same man, crucial to the 2004 implementation of the new GHA, in order to re-fix it.

1840 The GHA now has a new Chief Executive Officer, or rather should we refer to him as the Head of the Health Department, with his permanent and pensionable terms and conditions? This diminishes the accountability of a Chief Executive of an Authority who should be on contract, with specific targets answerable to the GHA Board, and therefore subject to removal from the position, if not met. As per the constant concerns, raised by the then GSLP Opposition, that the then Chief Executive of the GHA should not have his contract renewed. I am hopeful that this Chief Executive Head of Department will succeed; however, I will be very interested to see what will happen should the Chief Executive not achieve the targets he has been set.

1845 Dr Cortes mentioned at last year’s Budget how he, and I quote:

‘was briefed on the severe waiting list of over 200 patients in general surgery, and the increasing waiting lists in the other services.’

1850 Well, Mr Speaker, the last time I looked there were 309 patients waiting for general surgery and the waiting lists for all surgeries now stand at 1,081 from an all-time high of 1,118 in April; an increase of around 17% these last 18 months.

1855 Dr Cortes was also concerned then, at last year’s Budget, that the bed access problem was limited due to the total of 65 acute beds taken up by patients waiting for a Care Agency bed. Well again, in answer to a written question from me last month, there are now 80 acute beds taken up by long stay elderly patients awaiting a place at the Elderly Care Agency; 15 more than last year; an increase of 23%.

1860 And despite my questionable use of statistics, and my not understanding how waiting lists work, the fact remains that 65 operations were cancelled due to lack of acute beds in the first five months of 2013, compared to only 48 for the whole of 2012. It is obvious that the measures taken in 2012 had only proven to be a temporary patch to the problem. However, we do welcome the positive initiatives announced by the Hon. Minister yesterday regarding the operating theatres, together with an increase in Care Agency

and mental health beds to be rolled out by the end of the year, and look forward to seeing if the results they yield are lasting.

1865 The issue of cancelled surgeries and bed availability, which I have highlighted these last few months, demonstrates how effective Opposition questions can be at galvanising the Government into action; into finding solutions which benefit the people of our community. That is the role of the Opposition, and we will continue to monitor their delivery, praise positive results, but will continue to subject the Government to the checks and balances in order to ensure further positive action.

1870 And, yes, there are some further positive stories coming out of the GHA, Minister Cortes will be happy to hear that no concerns have been raised with us about the control of the norovirus at St Bernard's Hospital this year. The employment of more nurses has been extremely welcome. The plans for solar-heating, LED lighting and environmental measures, generally, are commendable. So far, apart from a few hiccups reported to us, the new Primary Care Centre appointments system seems to be running smoothly, although some improvements could still be made to ensure consistency in the process. Patients now look forward to a new system for repeat prescriptions, without the need to see their GP. Credit must also be given to the health team and their quick response to the cases of TB and their measures to mitigate any spread of the infection.

1875 Certain commitments for this year were made at last year's Budget, but not all have been implemented, Mr Speaker, such as the tabling of changes to the mental health legislation, which was due this year, and as I stated previously, an agreement over the consultant's contract, also expected this year. I understand that both of these are still ongoing and will be tackled later on in the year, as per the Minister's announcement yesterday. However, I hope not to be raising this issue again at next year's Budget as they will both be resolved.

1880 Despite the repeated answers in Parliament of 'it is being reviewed' or 'it will be ready within a few weeks', the public is still waiting for the publication of the £130,000 GHA Review Report, which was completed in August of last year, but perhaps it too is being formatted.

1885 As also stated yesterday, somewhere in the pipeline, we still await the implementation of the new kitchen and food system; we wait for the new permanent facility for ambulance staff; wait for the colon cancer screening programme to actually start; for the new GHA website; the new Ombudsman GHA complaints process; the completion of the Diabetes Strategy; the review of the sponsored patients programme; the health promotion initiative to develop a co-ordinated programme in lifestyle change, where only the smoke-free legislation and related awareness has been launched to this end, over and above the continued previous practice; and changes to the Children's Health Services, which members of the public have always been happy with, actually.

1890 With regard to health promotion, much stock yesterday was made of the lifestyle survey, conducted by the GHA in 2008, where the results will be used to raise awareness on changing lifestyles in order to improve health. A note of caution, Mr Speaker; these results are now five to six years old. That makes the data unreliable and less relevant to the Gibraltar population of today, especially post smoke-free legislation. This needs to be highlighted by the Public Health Team when promoting the booklet among the general public, and should not solely form the basis of advice to the public on preventative lifestyle changes.

1895 One area of policy making which has been lacking in Gibraltar is that of sexual health advice and support. The Government's manifesto commitment to offer IVF treatment through the GHA is welcome, and the happy news is that now contraception is available under the GPMS. But we believe that jumping from no official GHA sexual health service, apart from an ad-hoc one offered by some GPs, straight to fertility treatment without the proper sexual health advice services in place, is premature.

1900 The GSD's policy to set up a sexual health advisory clinic, to offer free confidential advice and information on sexual health, sexually transmitted diseases and contraception, addresses this. Its objective is to enable people to make informed choices about sex and to enjoy sexual health safely, have the knock-on positive consequences of reducing the number of unwanted teenage births. Awareness and screening for certain sexually transmitted diseases will mitigate the end result of infertility, with couples having to resort less to IVF treatment at a later stage in their life. I urge the Hon. Minister to look at this policy area seriously for consideration.

1905 As I commented in last year's Budget, no address on health by me would be complete without saying something on breast cancer care services in Gibraltar. (*Interjection*) Although an honourable but empty gesture for the GHA to raise awareness with Breast Cancer Support Gibraltar about lymphoedema to the upper body of breast cancer sufferers and survivors, and to state in Press Release No.154/2013 that, and I quote:

1920 'it is important to highlight the vital need for lymphoedema to be detected and treated as early as possible, thus ensuring quality of life to those affected.'

with which I concur, Mr Speaker, there are still too many women being failed in this regard.

1925 Many women are struggling to receive the appropriate therapy. Treatments are not regularly given, which need to be administered for the rest of their life, and many women are waiting far too long to be re-assessed, measured and checked; feeling there is no individual care pathway for them in place.

1930 This potentially affects every breast cancer survivor who has had their lymph node sampled or removed; affecting a majority of one in eight of us women. A walk-in lymphedema clinic is urgently needed, Mr Speaker, and I urge the Hon. Minister to listen to the concerns of Breast Cancer Support Gibraltar on this matter, and to take heed, and not to take it as another photo opportunity. (**Several Members:** Hear, hear.) (*Banging on desks*)

1935 The breast screening programme which has now been in place for two and a half years – a period during which all women eligible in Gibraltar have been invited for a mammogram for their first time. In 2012 only 58.2% of the women invited took up the offer of a mammogram. This is a figure that falls well below the UK’s ideal uptake figure of 70% and below the lowest uptake figure of 59%, seen in some areas of the UK and which has received concern from UK health professionals. This is a service that should be taken up by almost 100% of our women eligible, Mr Speaker, due to the easy access to healthcare in our small community.

1940 However, I am heartened to see that, for the first five months of 2013, we see an uptake of 74.4% of women, which is much more acceptable, and I only hope this will continue to move in the same direction. But yet again I repeat my pledge to the Hon. Minister and urge him, as part of the GHA’s public health policy, to conduct an awareness campaign on the benefits of the breast screening programme and to encourage women to take up the offer of a mammogram; it may mean life or death for some.

1945 On a point of principle, Mr Speaker, since this Government has taken office, it has become common for the GHA to be used for issuing press releases, rather than the Government’s Press Office via the Ministry for Health and the Environment; the latest being Press Release No. 370/2013 of 30th May. It is entirely inappropriate for the Health Authority to question and challenge the Opposition’s Spokesman for Health on matters of party political policy or respond with vitriol and spin. (**Several Members:** Shame, shame.)

1950 The GHA can, by all means, issue press releases on data information, GHA initiatives, charity donations and so forth, which it does, (*Interjection*) but should remain removed from the political interchange. It is completely inappropriate that press releases should be issued in the name of the GHA which are pointedly political and designed to attempt to damage the reputation of those serving on the Opposition benches. (**A Member:** Shame.) (*Interjection*) Has the GHA now become a political organ of the Government or does it remain part of the public services of the people of Gibraltar, which should remain apolitical? (**A Member:** Hear, hear.) (*Banging on desk*) (*Interjection*)

1960 In February this year, after Daniel Feetham became the Leader of the GSD, (*Interjection*) we saw a reshuffle of portfolios among the GSD MPs. After moving my Education portfolio to Edwin Reyes, I was then charged with shadowing Social Services. In order to get to grips with this new responsibility, I obviously reviewed all the press releases and announced policies by the Government to check what had been achieved so far in this Ministry.

1965 Well, not much of substance yet, Mr Speaker. A lot of photographs in the media for turning out to events and a few policies but then just the continued GSD practice in areas of training and domiciliary care. In 18 months, the Calpe Ward has opened with 18 beds, which is welcome but has had little impact on cancelled surgeries. More social workers have been employed which is very welcome. The Club House Project has been given temporary premises; we now look forward to hearing of news for a permanent facility. Care Agency nurses have parity again with those of the GHA, which is welcome, plus the new payment of salaries done electronically. Disability access to various sites around Gibraltar has increased, which is right and proper and to be applauded. However, the new access to Catalan Bay seems not to have been planned in consultation with the disabled users of (*Interjection*) the beach, nor sought guidance from the DPC. (*Laughter*) It has failed to provide proper access to the shore line, unlike the facilities and services enjoyed by those at Eastern Beach; yet another ill-conceived and poorly executed project announced with great fanfare, but failing to deliver.

1975 The announcement by Minister Balban, to review the eligibility criteria and rules for use of Blue Badges spaces and the increase in Disability Allowance, are both very welcome. However, we are still waiting on the results of the disability services review, life planning for the disabled and the new legislation on disability.

1980 Also on hold, and part of some ongoing process of the amalgamation of Social Services and Elderly Care, which the Minister claimed at her 2012 Budget had not yet occurred, is the filling of Mount Alvernia’s nursing co-ordinator post and that of Tangier View’s residential home manager. Considering the enormous overall increase in the number of Civil Service posts that has occurred since this Government came to Office, I would have thought that these two key roles would have been quickly filled.

The secure unit for children with severe challenging behaviour, plus the full review of the Children Act, as pledged at the last Budget, still remain elusive. Other issues, which appear to have failed to gain



1985 any traction, are: the Dementia Strategy; the refurbishment of the Jewish Home, promised at the last Budget; and the long delay in the opening of the Waterport Terraces day centre.

1990 Mr Speaker, if every change of Government resulted in them behaving in the manner of the present one, social progress would grind to a halt. The Minister for Social Services, in pursuing the GSLP policy of rubbishing everything the GSD ever did, has set the cause of the elderly and the vulnerable back by at least two years, and this in order to try and convince us that she is saving the day from disaster.

1995 To say that work finally started in April 2013, after 16 months of inaction, Minister Sacramento needs to explain why there have been no works at the former Royal Naval Hospital site previously and for so long. What have the construction workers been doing for 16 months and how much has it cost the taxpayer to keep them waiting to start work again on the project until April 2013... having to re-mobilise them?

2000 The reality is that the GSD's plans for the Alzheimer and Dementia Facility were perfectly acceptable and well within the guidelines and recommendations for NHS registered elderly homes. The specifications were provided by the Care Agency and GHA Deputy Chief Executive Officer, Mr Joe Catania – who were part of the design team all along – where their brief recommended room sized within the NHS minimum standards required. *(Interjection)* The downstairs single rooms, which were the only ones highlighted, were the smaller ones at 9.6 metres squared. This is an accepted size for the restoration of an existing historical **(Several Members: Hear, hear.)** building, with the option to remove the dividing wall to convert it into a twin room at 19 metres squared; larger than the NHS minimum for a twin, set at 16 metres squared.

2005 Additionally, the ceilings in these smaller rooms were reinforced to take overhead hoists, so there was no need to bring a mobile hoist in, as demonstrated by the grimacing Minister for Social Services, to show how cramped they could make the room look for the media. *(Interjections)* It is greatly disappointing that, almost from the first day of entering office, the GSLP Government chose elderly care as a battleground for scoring political points against the former GSD Government, **(A Member: Shame.)** rather than embracing and building upon the ongoing projects in a timely manner.

2010 However, if this is the style of the Minister, the very least she should have done is look at the previous GSLP Government's policies, where funding barely existed for Social Services and the Elderly; *(Interjection)* and judging from the interruptions of my Hon. Friend Mr Selwyn Figueras, if we had said, as the Hon. Minister has just said to us, that they had put vulnerable adults at risk, there would have been an explosion on the benches opposite. *(Interjection) (Banging on desks)*

2015 As far as the independent living complex – planned by the GSD for the more mobile and independent elderly persons, out of the old John Mackintosh wing of the former St Bernard's Hospital, which had been completed and ready for people to move in – it has now been gutted with brand new kitchens and bathrooms torn out, some recycled, but most thrown away, at a cost of £1.43 million to the taxpayer, according to the Estimates Book subsequent statement of reallocations.

2020 More money thrown away to convert the facility into an Alzheimer Dementia Facility, as this was not the original intention of the refurbishment. Had the Government opened the new facility on 1st April 2012, as planned, a considerable number of elderly people would now have been enjoying the new facilities, thus alleviating pressure on the housing waiting list. *(Interjection)* Mr Speaker, there is a case that would have had Minister Costa, who shadowed Social Services last term, still jumping up and down in his chair and stamping his feet, had it happened under the GSD's watch.

2025 A looked-after child was lost for 48 hours in Spain while in care *(Interjections)* –

2030 **Mr Speaker:** Yes. The Hon. Mr Costa.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I appreciate that Budget addresses are heard in silence, but I have never stamped my feet nor jumped up and down. She should correct that statement.

2035 **Minister for Equality, Social Services and the Elderly (Hon Miss S J Sacramento):** Mr Speaker, I have a further Point of Order.

2040 **Hon. N F Costa:** It is not true. I have never jumped up and down nor stamped my feet to make a true accurate statement, which is different –

2045 **Hon. Miss S J Sacramento:** Mr Speaker, but I am concerned about what is coming, given the nature of the questions that we had before this Parliament last month, and what the hon. Lady is about to say. She has already said **(A Member: Shame.)** things that ought not to have been said in this Parliament. Mr Speaker, I am very concerned.

**Hon D A Feetham:** Mr Speaker, I rise as Leader of the Opposition. That is simply not true. You have not even read the rest of the speech. No, you have not listened to the rest of the speech. (*Interjection*) You do not know what she is going to say.

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And as for the Point of Order –

**Mr Speaker:** Perhaps if I am given an opportunity to hear the hon. Lady.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I can assure you that I will not be disclosing any information or detail at all. If the hon. Members opposite would just allow me to continue.

A case that made headlines in the Gibraltar and Spanish media, that had the Gibraltar and Spanish Police involved, that had members of the public from both sides of the border searching; so what happened? How did this child escape? Was he a flight risk? Were contingency measures in place? Where was she found? Unlike the parties opposite we are not concerned to make capital on an individual case; we are concerned that the right systems are in place to protect vulnerable children.

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At least, Mr Speaker, I was able to get these answers and reassurance through direct communication with the Minister for Social Services, who I thank – something the party opposite was not willing to do when in Opposition. I also complied with all concerns raised by the Ministry and Parliament over this case, but the *modus operandi* of the party opposite while in Opposition, was always to issue a press release first, ask the sensitive questions in Parliament to (*Interjection*) try and score cheap points –

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**Hon. N F Costa:** No, I am sorry, on a Point of Order –

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**Mr Speaker:** Will hon. Members make sure that, when they rise on a Point of Order, that they are familiar with the Standing Rules and Orders and are able to direct me to the Rule that they are referring to.

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**Hon. N F Costa:** Mr Speaker what the hon. Lady has said is not true. That is the Point of Order. I have always sought, and the record will reflect by way of emails and telephone calls, that I always tried to contact my former... the Minister that I used to shadow, Mrs Yvette Del Agua and I used to call her first always to try to establish the facts. I then used to send e-mails – never, never did she ever return my call, nor reply to an e-mail, for me to be able to ask the comment. As a result, it is not true to say that I issued a statement first, and asked questions later. It is *untrue*.

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**Hon. D A Feetham:** Mr Speaker, may I, on a Point of Order?

**Mr Speaker:** Yes. The Hon. the Leader of the Opposition.

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**Hon. D A Feetham:** Mr Speaker, I am very grateful to you for allowing me to speak on this Point of Order.

Mr Speaker, it clearly and patently is not a Point of Order. The hon. Lady has not... (*Interjection*) I am talking on the Point of Order. You have raised the Point of Order. It clearly is not a Point of Order. It is not referable to any Standing Orders of this House. She clearly has not infringed any of them. The hon. Gentleman has, either through some of his colleagues or alternatively the Chief Minister, a right of reply.

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All the points that you are making now, the Chief Minister can make them at the appropriate juncture, but there has been a lot of interruptions of Opposition speeches and I would just ask the hon. Gentlemen opposite, for the sake of common courtesy, to please keep the interruptions to a minimum so that our Members can continue – (*Interjection*) Well, if I wanted to raise a Point of Order, I could because you said [*inaudible*] (*Interjection*)

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**Mr Speaker:** Order, order, order, (*Interjection*) order!

Will hon. Members please behave in accordance with the Standing Rules, or I will have to suspend this session? And I am prepared to do so. So I hope that they will keep the temperature much lower.

Now, the Hon. Mrs Ellul-Hammond.

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

I was making this statement, in fact, with reference to the shadowing of my Hon. Friend Mr Netto, when he was Minister for Social Services and the 10 press releases that the hon. Member opposite issued in the last term, with reference to various individuals in care who were vulnerable.

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And if I may continue, he was very quick to point the finger of blame and never tried to understand the realities and difficult decisions that Government Ministers face on a day-to-day basis, which I do acknowledge today. But that is the difference between the party opposite and us, Mr Speaker, and that is what got us re-elected four times. (**Several Members:** Hear, hear.)

2110 Mr Speaker, in relation to equality for women, the same issues I raised at last year's Budget still exist; nothing has changed. Women still find themselves struggling as single parents with erring ex-spouses defaulting on maintenance payments, trying to make ends meet or surviving on benefits, which I am glad to say have risen this year.

2115 Many single mothers are at the mercy of grey areas in law, such as access to Legal Aid and the recognition of common law relationships. It is shocking that the Government has still only published new rules to expand Legal Aid that enable defendants, accused of complex fraud cases, to hire expensive specialist lawyers at public expense. No thought has gone into or takes into account the plight of single parents, who are not entitled to Legal Aid if they earn above the qualifying threshold of £5,000 income per annum, (*Interjection and laughter*) which we would have increased to £12,000 (*Interjections*)

2120 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the hon. Lady seems to be confusing Legal Aid with Legal Assistance.

**Mr Speaker:** She has... The Hon. Mr Licudi, will you please sit down because the hon. Lady has not given way. (*Interjections*)

2125 **Hon. Mrs I M Ellul-Hammond:** Well then perhaps the Hon. Chief Minister can clarify that in his response. Additionally, if these women own a family home or a car, they are still not entitled to Legal Aid – a blanket rule which penalises lone parents, struggling with mortgage payments and paying legal fees, in order to pursue erring partners in their duty of care as a parent.

2130 The measure announced yesterday, however, to eliminate stamp duty on the transfer of deeds after a marital breakdown is welcome news. Equally the introduction of parental leave, whereby either parent is able to take entitled leave after the birth of a child, is a policy that would be welcomed by many working parents across Gibraltar.

Working parents also look forward to changes in working hours that are more family-friendly.

2135 As was discussed in Parliament in relation to parliamentary reform, with regard to statutory bodies, it is imperative that, where necessary, their composition should be changed to improve the constitutional checks and balances on Governmental power, as recommended by the Commission on Electoral and Parliamentary Reform.

2140 I believe that this cannot happen without proper representation from members of our diverse community. This means reflecting the composition of Gibraltar's society in these statutory bodies. Which, at present, are comprised mostly of, and reflect the view of, white middle class males. The provision of meaningful checks and balances to Government, a role which these bodies should be providing, is hindered by this narrow view, and this is one of the many reasons why I recommend Marlene Nahon as our candidate (**A Member:** Hear, hear.) (*Banging on desks*) for the upcoming by-election. (**A Member:** Hear, hear.)

2145 In order to address this balance, as I have stated publicly before, it means actively inviting more women and minority representatives to sit on these bodies. Out of the statutory bodies gazetted so far, only 10% of their composition is women, some of whom are the secretaries of the boards, and even fewer are from different ethnic backgrounds. This improvement to composition can be done quite simply, with a little more consideration and active, positive discrimination when inviting individuals to sit on these statutory bodies.

2150 Membership of a statutory body is not through a process of applying for the role, the assessment of applicants, and the recruitment of the best person for the job. It is simply through the invitation, by a letter, from the Minister responsible, to join and form part of that statutory body.

2155 As a former Trustee of the Heritage Trust and former non-executive member of the GHA Board, I am acutely aware of the continued practice of giving little thought to actively selecting individuals who represent all sectors of Gibraltar society, when considering the composition of statutory bodies. I therefore ask for the serious consideration of the fulfilment of some kind of a prescribed quota when selecting people and inviting them to sit on a statutory body; that is positive equality in action.

2160 Mr Speaker, we are yet to see some equality policies regarding the Moroccan residents of Gibraltar.

2165 Finally, Mr Speaker, I have to end with an example of playground politics which reflects everything that this Government's parties are about, and what they stand for. It was very unfortunate that the Hon. the Chief Minister of Gibraltar, the highest officeholder in our land, should have reduced himself to insult me personally by mocking my surname at the GSLP's AGM this year. Such childish tactics, playing to the gallery of his most hysterical supporters, says so much more about him than about me. (**A Member:** Shame.) (**Members:** Hear, hear.) Thankfully, Mr Picardo's speech is broadcast to all via the internet. Let people hear for themselves how petty this Chief Minister can be. (**A Member:** Shame.) (*Banging on desks*)

2170 **Hon. Chief Minister:** Mr Speaker, at the end of Mrs Isobel Ellul 'hyphen' Hammond's speech, I now move that the House recess, in the context of the debate this morning, to ponder why it is now so clear that we should all vote for Albert Isola in the By-election, until three o'clock this afternoon.

2175 **Mr Speaker:** The House will now recess until three this afternoon, when I understand that the Hon. Mr Bossano will be addressing the House.

*The House recessed at 12.45 p.m. and resumed its sitting at 3.05 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 6.17 p.m.

Gibraltar, Tuesday, 25th June 2013

## The Gibraltar Parliament

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*The Parliament met at 3.05 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

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

## Order of the Day

15

### Appropriation Bill 2013 For Second Reading Debate continued

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**Mr Speaker:** The Hon. the Minister for Employment, Enterprise and diverse other responsibilities.

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**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, in my Budget speech last year, I made very clear a number of objectives; the principal one of which was increasing the number of Gibraltarians in full-time employment.

As I stated in the 'Viewpoint' programme in November last year, based on the records of the Employment Service, the increase in the number of Gibraltarians in employment in one year was going to exceed that which had taken place in the previous 15 years of GSD Government; this has now been confirmed.

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In 1996, the GSD said the big issue was employment, and argued that the registered unemployed, at 331 in May of that year, failed to reflect the numbers without a job. Had they been right, this would have then been reflected in ever-increasing numbers of Gibraltarians in employment, irrespective of whether the numbers that were registered as looking for work, went down or not. This did not happen then, but has happened now.

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It is the hidden long-term unemployed who we are reaching out to because the real numbers without work was much greater than in 2011... were registered with the Employment Service, and even now we have not yet found work for all of them.

The approach adopted has been a logical one: of looking to those sectors where the Gibraltarian share of jobs was low or declining. The construction sector of the economy has been identified as a priority area to promote opportunities for Gibraltarians and other residents, as I made clear a year ago.

For many years, we pressed the previous Government to take action to ensure that the unemployed persons had the opportunity to get those jobs, and for many years they argued that it was impossible because Gibraltarians did not want to work in the construction sector.

Having long been in a denial mode about the takeover of the construction sector by imported labour, shortly before the last election the Government relented and introduced a system of allocation of construction contracts to local firms on the condition that they employed persons supplied by the Employment Service.

We supported this initiative and have, since December 2011, relied on its terms to ensure that approved contractors increase the use of local labour. I am glad to report that the success of the strategy is already reflected in the composition of the industry in the first year, based on the Survey Report comparing October 2011 with October 2012.

In this period, the total number of jobs in the industry fell as a result of the completion of a pre-election construction boom, which had drawn in many hundreds of outside workers but was not reflected in higher local employment in the industry in spite of the restriction placed on building firms in the last year, 2010-11.

In fact, 2011 saw the highest influx of new construction workers ever in the industry, which is partly explained by the concentration of construction projects in that period carried out by outside contractors. The total employment in the industry was 3,434 in October 2011, compared to 2,486 in October 2007 at the start of the previous term of office of the GSD; almost 1,000 more jobs, only three of which were taken up by Gibraltarians whose employment in the industry went up from 725 in 2007 to 728 in 2011; three more Gibraltarians in the whole of the four-year term of the last Administration. In the year 2011-12, the total number of jobs in the industry fell from 3,434 to 2,008; a drop of 1,426. However, the jobs taken up by Gibraltarians went up by 140 to 868.

If we go back to October 1996, when the GSD first came into office and before the start of the process of encouraging the inflow of Frontier Workers into the industry, the figure for the construction industry was a total of 1,408, of which 752 were Gibraltarians.

In just one year we have been able to reverse the trend of the previous 15 years and I expect this year's figures, that is 2013, will show further improvement in the area, based on the records of the Employment Service to date. It is quite incredible that in 15 years in Government, under the GSD the number of jobs went up by over 2,000 in the industry and the number of Gibraltarian construction workers went down by 26.

Coming to the Future Job Strategy, Mr Speaker, I can report this year that, to date it has been much more successful in getting Gibraltarians into jobs than its predecessor scheme ever did in the preceding 15 years.

Let me remind the House that the new approach to employment training was introduced as promised in the manifesto on 1st February 2012. In the first month, five employers signed up, committing themselves to provide employment at the end of the agreed training period, which initially was up to 11 months. In fact, since the month of February 2012 was the first month trial period, no employer had an obligation to sign up until March. However, this did not prevent the Hon. Mr Feetham standing up and asking me to admit that the policy was a failure because so few employers had signed up to it, in its first month.

By the end of the 11 months, in December 2012, 101 persons had completed their agreed training and started work by January 2013. Mr Feetham's reaction now was to say that it was no more successful than its predecessor, their low paid VTS. He argued this, based on a claim that he and Mr Montiel had carried out an exercise which showed that 101 was also the number taken on into permanent employment at the end of their time in the VTS scheme placement.

He wanted me now to explain my failure to do better than Mr Montiel... could not say that scheme was a failure anymore... his good friend, so he said at the time. Well, I have found no evidence in the Department of any such exercise being done by him and his good friend, and if they did succeed in employing 101 persons it certainly was not reflected in the 2011 Employment Survey Report as an increase in the number of Gibraltarians in employment.

However, what I am now able to tell hon. Members, is that the results to date shows a continuation of the trend established by the figures of January 2013 and, as I have been providing in answers to questions on a regular basis, the take-up on completion of training is very high and well above the success rate he claimed for those on the old VTS, which he told us was 28%. I have no reason to doubt that this will continue to be the case into the future; that is our success rate, not his 28%.

I have said before that, although Opposition Members have protested how much they want our policy to succeed, as they should if they really care about the well-being of our people and the success of our economy, their constant prediction of failure and criticisms of its effectiveness suggests the very

100 opposite. Their predictions of failure and fault finding is an indication that what they want is for the policy to fail, putting their own partisan political interests before the welfare of the unemployed who are being given an opportunity to go into jobs that previously were not open to them.

I can tell the House one thing, it may not be perfect and it may not work 100% but it is hugely better than anything that was there before and the results will continue to prove it.

105 There are two issues which I want to make clear, that are being used by Members opposite in order to try and undermine the training programmes. It is not the case that when vacancies are opened and applications invited for the public service, trainees have any advantage in the selection process for those public sector jobs. The selection is done by interview boards on the basis of the merit of the applicant using their judgement. The results of the recent selection for AAs clearly showed this; the vast majority  
110 who were selected were already employed in the private sector.

Nor is it the case that persons in private sector employment cannot get a job in the public or in other private sector vacancies because the Employment Service stops them. This is utter and complete nonsense and again my answers to questions recently have shown that the numbers getting employed, in both the public and the private sector vacancies, exceeds by far the numbers who do so as a result of having their names submitted by the Employment Service, which sometimes seems to be a disadvantage rather than an  
115 advantage.

However, the Employment Service exists to assist the unemployed into jobs, not to help those already in employment to get promotion, move to a better job or one that they find more attractive. That has always been the role and that is its role in any other country that keeps a register of unemployed persons. The position today is therefore no different from what it has been before and from what it is everywhere else.

Looking at the level of economic activity, Mr Speaker, the number of employers, in October 2012, who completed a survey return was 1,500 and increased by 55 from 2011 when the figure was 1,445. This is from the internal analysis of the Statistics Office which does it by sector.

120 In the construction sector, however, there was a decline of 16, from 131 in 2011 to 115 in 2012. The Leader of the Opposition, at Question Time last week, claimed that there was an anomaly in that there had been a reduction in the number of construction workers shown in the survey report whilst at the same time the number of employers had grown by 100. I have no idea where he got this information from but it is totally incorrect, as far as the statistics collected from the employment survey are concerned.

130 If we exclude construction and wholesale and retail, where the number of returns fell slightly from 337 to 335, the rest of the economy reflected a rise in employer returns of 73; from 977 to 1050 – around 8%. Let us compare these results with what was happening in the supposed economic boom of 2011, generated by a totally misguided pre-election spending spree. The October 2011 survey provides us with a clear picture of where the economic activity was taking place.

135 The number of employer returns in 2011, compared to 2010, was up by 11; from 116 to 127 – almost 10% in the construction sector; and down by 7% in the rest of the economy, which showed a reduction in the number of employer returns. This indicates little or no growth outside the construction activity, which activity, as we all know, was funded by public spending, and caused a monumental influx of Frontier Workers which, as I pointed out at the time, was an all-time record; leading to an outflow from our economy of much of the public money spent.

The creation of these temporary construction jobs, taken up by the Frontier Workers, came at a price of over £100 million increase in the level of net debt; the debt which we have been told is what really counts and which still remains to be significantly reduced.

145 The Leader of the Opposition, when he was contesting the 2003 election against the GSD, was horrified at the thought that the total outstanding gross debt was £100 million. Indeed, he got quite annoyed with me in the radio debate because I had disagreed with him and agreed with the then Chief Minister that £100 million gross debt was not too high. That was, of course, when he was claiming that I was content to allow Mr Caruana, as he then was, to remain in power, when he was determined to remove him; which he has now done, of course, albeit in an unusual manner. *(Laughter)*

150 This is not the only U-turn by the Member opposite, whose favourite pastime is to accuse me of making U-turns. For example, the horror he felt at £100 million gross debt was converted after 2007 into the view that the level of gross debt did not matter at all, however high. How can anyone reconcile, Mr Speaker, concern about total debt of £100 million and defend, not long after, an increase of £100 million in net debt and in one year alone; an all-time record in debt increase to finance a pre-election boom that failed to gain the GSD a return to Government? An expensive election campaign, financed by the taxpayer.

155 The answer, of course, is that it cannot be reconciled because it is not a position that results from an analysis of what is sound policy to adopt on the public finances but a position which is determined by a value judgement as to what has the greatest propaganda effect, as the hon. Member sees it.

160 Since that is the hallmark of the hon. Member's political philosophy, and presumably the new dogma of the GSD under his leadership, emulated by others on the Opposition benches, there is a clear

conclusion to be drawn. Explanations given in this Parliament, however exhaustive or detailed, providing statistical evidence of what is happening in the economy or the labour market will have no effect whatsoever on how the Members opposite react and the political stance that they will adopt.

165 Nothing could provide greater proof of this than their reaction to the evidence contained in the returns provided by employers in Gibraltar and reflected in the report of the October 2012 survey. An increase of 524 in the number of Gibraltarians in employment is not something to be welcomed by them. Well, I assume the 524 families who will now have an income earner contributing to the household, which was not the case in 2011, and will have taken careful note of that.

170 The fact that it is the highest ever number of Gibraltarians in employment is not important to the Members opposite. Instead, their propaganda is that there are now more Gibraltarians without a job than in 2011. How can that be, Mr Speaker? Is it that I can perform miracles? That they left 500 unemployed? I have increased the numbers in employment by 524 and I am still left with 500 unemployed.

175 Where is it that I have produced the 524 from, up my sleeve? Or is it that the real number of unemployed in 2011 was in excess of 1,000? As the hon. Member opposite admitted, during the November election campaign, when he said, 'Employing all the jobless at the minimum wage would cost £11 million a year'. That is the cost of 1,100 individuals at £10,000 a year; 1,100 unemployed workers, of whom 500 or less were registered and turning up regularly at the Employment Service and therefore the rest were being either removed as lapsed or failing to go.

180 One factor in the number registered not being higher, has been the competition from the influx of Frontier Workers, encouraged and welcomed by the previous Administration. This meant that a considerable number of jobs were actually filled before they were registered and available to the Employment Service, making it difficult for the staff at the employment office to satisfy the demand for work from those turning up and leading to many people eventually failing to go there to seek employment because it was considered a complete waste of time.

185 Mr Speaker, I would like to deal now with the comments by the Hon. Mr Figueras, for which I am grateful. I have noted that he is concerned that I am overprotective in my efforts to get jobs for Gibraltarians and other long-term residents. It is, of course, a reflection of how much I care for and about unemployed workers, whom I want to protect rather than leave them to fend for themselves and fare as best they can against a flood of competing cross-border workers who are here as jobseekers. It does not surprise me since he defends the record of the GSD, who welcomed the massive increase in Frontier Workers over the last 15 years, at the expense of our own people.

190 I am sorry that he chooses to describe my efforts to get our people into jobs as 'shenanigans'. I can say I am happy that there has been an increase of 524 Gibraltarian shenanigans and 167 other British shenanigans who are now in employment, after I have been in the job for just 10 months. An increase on what was there before, and I only wish the numbers were higher.

195 I can assure him that, given that these shenanigans have been helped by the Department irrespective of their political views, many must have voted for him but may now be less likely to repeat their mistake after hearing his views. (*Interjection and banging on desks*)

200 Mr Speaker, as regards the statement we heard yesterday, from the official and the unofficial Opposition leaders, as to the debt and the reserves, it seems to me that they fail to understand the simple facts contained in the Estimates.

205 At the end of the financial year 2011-12, the level of reserves set off against the gross debt was such that there was really no margin of usable cash available. Hence, the hon. Member's statement in the official opening of Parliament at the time, that he would support a motion to go over the limit of the sacrosanct net debt, which is what he had planned, and would have done had he won the election.

The maximum net debt for the year 2011-12, set by the formula, was £306 million and the year finished with £303 million of net debt, almost hitting the ceiling. At the end of 2012-13, the maximum debt allowed by the law was £363 million, and the actual net debt had been reduced to £291 million.

210 What does this mean? Is it that the hon. Members who introduced the system, and legislated it, do not understand how it works? Or is it that we are witnessing an attempt to mislead people? It is quite simple, with reserves in March 12, shown on page 3 of the book of the Estimates, standing at £214 million, only £3 million out of the £214 million was capable of being spent because if the Government spent £4 million out of the £214 million, it would have pushed the net debt to £307 million, above the ceiling of £306 million by £1 million, which the law did not allow unless the motion that was being put ready in the drawer before the election had been brought in.

215 The position a year later, using the same formula, is that the maximum debt is now £363 million and the net debt is £291 million, so out of the £84 million reserves, shown on page 3, forecast for March 2013, cash is available, or was available, for spending by the Government up to a maximum of £72 million, as opposed to £3 million a year earlier. The reserves, had we spent the £72 million, would have fallen to £12 million without the ceiling being breached. That is all that the figures on page 3 represent.

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It is nonsense to suggest that the £214 million in March 2012 meant there was money to repay the £317 million of debentures and that now we have got £84 million, which is less money to repay the £175 million of debentures, which is what we were told yesterday.

225 The cash is only required when the debentures mature, unless a deliberate policy decision is taken, as was done earlier this year, to repay some of those debentures early and before maturity. The way to ensure that the cash is available when the maturity dates arrive is to create a sinking fund to match the expiry date of the debentures, which was the system in the past, until the GSD came along, scrapped it and used the money for something else.

230 Coming to the development of the role of the Savings Bank, it is as far as we are concerned, an important element in support of what we want to provide to the local business community and the efficiencies that we can achieve in payment transactions.

235 The opening of its new headquarters in Main Street earlier this year was only the first step, Mr Speaker. To date, the Gibraltar Savings Bank has not done anything that it was not doing already in 2011 and that it had been doing throughout the previous 15 years. That is to provide deposits in accounts at seven days' notice of withdrawal, issuing bonds, redeemable at one month's notice, and debentures on fixed terms of three and five years; they are the instruments that are available and they have been available all the time.

240 The Opposition first said they supported the expansion of the Bank but have never stopped criticising it since, even though nothing has yet happened. The two specific criticisms from the Leader of the Opposition have been: one, that the Gibraltar Savings Bank has an unfair advantage because, unlike credit institutions – that is commercial banks – it is not required to have, and does not have, its own capital.

245 The incredible thing about this criticism is that it is made by the very person who, in Government, removed in 2008 the £17 million own capital from the Savings Bank, put it into the Government Consolidated Fund as part of disposable revenue, available to meet recurrent expenditure and we, who were not in favour of the move, have now announced our intention of gradually building again the bank's own cash reserves which is the equivalent of equity.

250 The second criticism was that expanding the role of the Bank puts the other banks at risk by providing competition and taking away their customers. Mr Speaker, if we manage to do this in 2013 we would be doing it 10 years late. In 2003, in the Budget, the House was told, and I quote:

255 'During recent years, the availability of appropriate banking services has been concentrated in progressively fewer banks, that is to say the appropriate domestic banking services. Some people, particularly the low paid, find it increasingly difficult to obtain a range of banking services at affordable prices and on affordable terms. In order to remedy this, and to supplement the services available in the private sector, the Government will...'

– will –

260 'during this financial year'

– in 2003-04 –

'extend further the role of the Gibraltar Savings Bank by extending the services and the banking products...'

265 – and even having –

'cheque accounts and even card accounts are a possibility. Well, cheque accounts for certain, ATM facilities, automatic teller facilities and possibly also card accounts. This extension of the role of the Gibraltar Savings Bank the Government hopes'

270 – this is all the GSD Government, by the way –

'will go on to correct some of the difficulties that people in Gibraltar, some people in Gibraltar, particularly those on low paid incomes in cash are having in obtaining easy accessible banking services.'

275 Note, Mr Speaker, that it was going to be done in 2003. This, from a party now sitting on the other side, that accuses us of broken promises and U-turns if things do not materialise on exactly the same date and time as we hoped to achieve them by.

280 I know the Leader of the Opposition was not in the party in 2003. Indeed, he fought an election against them in that year. However, since he now defends and identifies himself with everything they said and did in the 15 years, including all the nasty things they used to say about me and the rest of the GSLP, I assume he is aware of, and approves, their policies.

But in case he does not, can I remind him of a more recent Budget, in 2010, when he already had made the jump to the other side and the former Chief Minister then said:

285 'I have already mentioned the restricted credit facilities that exist for both commercial and personal borrowers as a result of the international credit crunch. Gibraltar general retail banking needs are principally provided by two banks, Barclays and NatWest, who both provide an extensive service and have shown, and continue to show, a very welcome and much valued commitment to

290 Gibraltar. Nevertheless, both of these banks operate within policies relating to such things as lending criteria, risk assessment, project lending limits and country lending limits, which are not decided in, or specifically for, Gibraltar. Furthermore, the Government believes that a market such as ours should have at least three general retail and commercial banks serving its needs. Gibraltar would therefore benefit from having a local home grown and home managed bank. To this end, the Government is exploring the viability of establishing such a bank in partnership with private sector interests. A project paper has been prepared and will shortly be circulated to selected local private interests to test their appetite for such a venture.'

295 I assume that the appetite was not there when the GSD was there.

This presumably was the alternative to the idea, originally, of the Savings Bank being expanded and what, in effect, would have provided additional competition to existing institutions to the same degree as the Savings Bank will in future.

300 Mr Speaker, if hon. Members opposite believe that they are entitled to expect us to implement our manifesto commitments and they are entitled to question us about any delays or failure to do so, then they have to make up their mind what their role is.

305 In this particular case, the manifesto commitment is clear. It is in the recent manifesto and it has been in previous manifestos and, therefore, they have to decide whether they want to criticise us for delays in implementing the expansion of the Savings Bank or criticise us for going ahead with it because they are against.

310 Having heard, Mr Speaker, the views of the hon. backbencher yesterday, I have to say that there was no indication of any of the concerns he expressed when he announced what he was going to do in 2003 with the Savings Bank, or what he was going to do in joint venture with the private sector in 2010. I can assure hon. Members that the Gibraltar Savings Bank will proceed with its planned expansion, as I have stated publicly, taking one step at a time so that its success is guaranteed and it avoids making mistakes. I do not share any of his concerns or the different concerns of the Leader of the Opposition. It will, of course, be run by the staff who are employed in it, and it will continue to operate as a Special Fund as provided for by the existing legislation.

315 Coming to the items of expenditure in the Estimates. As regards the approval for the three areas of the Estimates that I am responsible for – which are Heads 26, 27 and 28 – the position is as follows: the forecast outturn for 2012-13 is within the Estimates approved by Parliament last year. The budgets, for which I am seeking approval this year, are about the same level as last year.

320 There are two areas showing increases, one of which is where staff has been transferred from another Department, and where there will be a corresponding increase – and this is usually identified in a footnote – and the provision for 25 AAs in the Employment Service.

325 This is not because they are required in the Department but because, at the time when the AAs were recruited, the exact distribution was under discussion between Departmental heads and the Human Resources Department as to their needs. The AAs were therefore placed in the Employment Service so that the provision for their salaries could be included in the estimates and the Parliament had the opportunity of approving it. But they have now, in fact, already been redistributed to other areas where they are most needed and therefore, although they will continue to be paid from the budget of the Employment Service, in next year's Budget they will have been moved from there to wherever they happen to be and their salaries will be shown in the proper head of expenditure.

330 As regards the new provision, this year, for Community Care, this is in accordance with our manifesto commitment and the policy that was in place until 1996, the Government therefore has now resumed this year, the payment of an additional grant to Community Care equivalent to most of the estimated surplus. The purpose of the payment is to allow the charity to restore its reserves, which were in excess of £60 million in 1996 and was allowed to run down to nothing as a deliberate policy of the GSD Administration.

335 When this policy was formally announced by the previous Chief Minister, it was explained that the purpose of running down the reserves was to discontinue the work of the charity and to place current and future recipients onto a statutory scheme making comparable payments alongside the Social Security old age pension. It was stated, in the public statement that was made, that none of the present or future recipients of Community Care payments would be any worse off. The new replacement scheme was said to be better, providing more security for pensioners and was promised for implementation initially before the general elections in 2011 and subsequently immediately after, had they been returned to Government.

340 I have to tell the House that I have found no evidence, whatsoever, of any such scheme being in preparation in the Social Security Department and I have to assume that if this scheme existed at all it was not kept as a secret from other Members of the Government now in Opposition.

345 There are no two ways about it, Mr Speaker, either there is a better way of helping resident pensioners than the system provided by the charity, which Members opposite know about but refuse to share with us, for partisan political reasons to the detriment of those pensioners, since they say that it is better than the existing system, or none of these things and what we have been told in the past had been true and this was said both in the Parliament by the previous Government and they were not telling the truth outside the Parliament to the electorate. Either way, I have to say their conduct is inexcusable.

From the Opposition, from the moment it was announced, I invited the then Government to share their proposals with us and if they were as good as they claimed we would support it. From the Government, from day one, we have repeated and requested in the public interest of Gibraltar and for the good of the pensioners that that information should be made available. Not one word of reply have we had to date.

355 How can Members of the Opposition claim the charity is a ticking time bomb, have an alternative up their sleeves which addresses the problem and continue to leave Gibraltar exposed to the danger which they claim has existed years ago or is it that there was no such danger or is it that it only exists if they are in Government?

360 In the absence of an honest and transparent response from those responsible for having put this problem in the public domain and now sitting on the other side of the House, we shall have to continue with increased funding for the charity in order to secure its long term future, to be sure that it is not left again without reserves and exposed to a situation where a future Government, in times of difficulty, might not be able to help it out.

365 There is, therefore, this additional provision of £35 million, under Head 45, and a token £1,000 in respect of the current year, which is over and above the £24.5 million contribution also from import duty under Head 26, which is initially paid into the Social Assistance Fund and out of which the annual payments through Community Care are transferred. There is, as well from this head, the annual payment of £10 million repeated this year which goes to cover the deficit in the Social Insurance Fund.

370 I regret to say I have not been able to bring the legislation for the fully funded Social Security Fund to replace the existing system for new contributors as I had hoped in the past financial year, and as I mentioned in last year's Budget, I will do my best to do so in the current year, Mr Speaker.

375 I need to make clear that the new proposals will not deal with the position of the finances in the existing fund, which can only be addressed either by additional contributions from beneficiaries or by subventions from the Government. What the proposals will set out to do and achieve, as I have said in previous explanations, is to contain the situation and to protect Gibraltar in the long term from the exposure to a potential liability which could be virtually impossible for any future Government to meet if something is not done soon to address it.

Thank you, Mr Speaker. (*Banging on desks*)

380 **Mr Speaker:** The Hon. Mr Bossino.

385 **Hon. D J Bossino:** Mr Speaker, Let me issue a health warning before I start my speech formally to the hon. Members. This speech will contain some barbed and pointed political comments. (*Laughter*) But not as pointed as those which the Hon. the Minister for Employment has just deployed in his speech just given.

390 Mr Speaker, this is my second Budget speech, but the first occasion that I have been tasked with the responsibility of shadowing the Minister for Employment, Mr Bossano, and I must confess to hon. Members that I am labouring under a sense of *déjà vu* and I am afraid to say that it is not a good one. Having observed the hon. Member politically now for many years, as he knows, he is living proof, Mr Speaker, that a leopard never changes his spots.

395 We all recall his rather brazen – and some would argue, bizarre, with the turn of events – statement in his first term as the Chief Minister of Gibraltar, when he said things like he would make Gibraltar the 13th state of Europe or turn it into the Jewel of the Mediterranean, or when he would refer campaign, after election campaign – as no doubt the Speaker himself will remember – and certainly in the campaign before the 1988 General Election victory, to his secret economic plan. I am very sorry to have to say that shivers are sent down my spine when I hear him make similar statements with the same degree of confidence and bravado as he used to back then. Although I must say, now, certainly in the speech I have just heard, he seems to be slightly more cautious, Mr Speaker.

400 But I refer to a specific example and that is his statement that he would eradicate unemployment by the end of his term of office. Well, this is the thing, already we have seen, lamentably on this side of the House, how the reality seems to be going in a different direction and that is that, in fact, registered unemployment amongst Gibraltarians is higher than when the GSD left office.

405 The figure, as at December 2011, Mr Speaker, stood at 421 with previous annual averages standing at about the 300 to lower 400 mark. The average for 2012, now stands at 522, almost exactly 100 more than the previous Government had left it. Our calculations are that employment is therefore 24% higher than in 2011.

410 Mr Speaker, he has just called it propaganda; I call it a very concerning figure indeed. And I know what he uses, he uses the vocational training scheme cadets to increase the unemployment figure to around 1,000, but the reality is in fact quite different.

At this juncture, Mr Speaker, it is important to recall the words of the Hon. the Chief Minister in his only Budget speech as Leader of the Opposition when he said, and I quote:

415 'Mr Speaker, the nation has had enough. Mr Speaker the nation is let down by a Government that has not known how to resolve the plight of almost 400 unemployed. Mr Speaker, the nation is ready for a change of Government.'

On the basis of their performance to date, over the last 18 months, and on the basis of the Hon. the Chief Minister's own test, they should reconsider their position and call an early general election. (*Banging on tables*)

420 Mr Speaker, but there is more. The other commitment, which we can see as you get closer to the Government's mid-term, is looking less and less likely to be delivered; is the guarantee 'cast iron' no doubt – to use one of the favourite words of the Hon. the Minister for Employment – that he would be able to employ every FJS trainee currently in the public sector into the private sector. Yet, when one looks at the figures, the numbers in the public sector remain stubbornly high at almost 200; 193, I think, was a figure in March of this year.

425 We are also seeing a return to opaqueness and the smoke and mirrors style of politics he so enjoys to revel in. Anybody who cares to read *Hansards* from when the hon. Member was Chief Minister, will immediately see that nothing much has changed. We all know that open Government is a principle which simply goes against the grain for him. I do not agree with what the Hon. the Deputy Chief Minister said in his intervention yesterday, that our questions are now answered; this is far from the truth. It is not that we want them to be, as he puts it, and I quote, 'even more transparent and open'. All we want them to do, Mr Speaker, is to adhere to basic principles of open Government you expect in any western democracy.

430 It is clear that the Hon. Minister for Employment does not share the Hon. the Deputy Chief Minister's apparent love of openness and transparency and is determined to do things his own way. I will give examples; he refuses to answer which companies have entered into agreements with his Department, guaranteeing employment to FJS trainees. This is a legitimate question which, if answered, would at one level simply provide more information on the workings of one of the central policies of this Government and, at another level, establish whether the concern out there, which is that many of these companies are in receipt of Government work in exchange for taking on trainees, is justified or not.

435 Let me have the audacity, Mr Speaker, to advise the Hon. Minister of one thing, that his refusal to provide this basic information only lends credence to and fuels these concerns even further. Opaqueness is also prevalent in relation to the so-called start-up companies; started up at No. 6 or the Hon. Minister's office at Town Range. Any objective analysis surrounding these companies will show that what has happened is that the Opposition has been successful in uncovering what the Government was clearly trying to hide. We expose the existence of a company – unimaginatively called ETB 1 Limited, it cannot get any better than that, Mr Speaker (*Laughter*) – with a registered office in none other than No. 6 Convent Place, with Gibraltar Government employees as its shareholders and its Director, one of the most vocal supporters of the governing party. One would need to analyse, Mr Speaker, whether there have been ETBs 2s, 3s and 4s and so on.

440 The Government then explained that this company was a beneficiary of its start-up nurture scheme policy. But of course, the press release and answers to Parliamentary questions on the subject raise more questions than they answer. Despite asking questions in this House, and despite the fact that some 12 companies have enjoyed the benefits of this scheme, we and the public are still none the wiser as to what the detail of the policy is. Who is eligible? Is it means tested? Is there any age qualification? Is it restricted to the unemployed or to the self-employed? Is there a limit as to how long you can enjoy the services before you are obliged to look for another service provider and so forth?

450 Interesting, Mr Speaker, that the Hon. Minister for Commercial Affairs only this morning, in the context of his proposals to assist businesses, failed, as far as I can recall, once to mention his Government start-up and nurture scheme policy. (*Laughter*)

455 I must say that we are finding it very difficult indeed to accept that a Government which has shown a propensity for publicity: press releases on every conceivable subject; the photo opportunity; and proclaims, with pride, the completion of its manifesto commitments, however insignificant; only yesterday in their pathetic box-ticking exercise, the Hon. the Deputy Chief Minister referred to having complied with, and I quote, 'a record number of manifesto commitments'. It is in these circumstances that it is very peculiar indeed that they should miss the chance to announce the start of one of these very same commitments.

460 Our view of this development is that it says a sad story of the Hon. Minister's FJS which so reaped his party electoral success at the last General Election. (*Banging on desks*) He has said himself in this House, that, in effect, he trades the setup of these companies in exchange for the company taking on FJS trainees; a cost to the Government exchequer all round. Of course, money now seems to be no object.

470 The Government is clearly nervous and shaken at the prospect that they may lose the next by-election. They know that from word go they started off as an unpopular Government – not the norm in our political history, which shows that first-time Governments are normally swept in with a sizeable proportion of the votes, but not this one. This is why they have no alternative but to leave no stone unturned and announce

475 as many capital projects and attractive initiatives that they can think of. The Budget that we heard yesterday is no doubt part of that same strategy.

One of these initiatives has, however, already fallen flat on its face. They know, as we do, that their employment policy is fast becoming the noose which is getting tighter and tighter around the Member's neck. For this reason, they try to spin the story pre-Budget that there was a high number of Gibraltarians at work and we have only just heard it from the Hon. Minister; much higher than the 15 years of GSD rule. They said this reflected the measure and unprecedented success of its employment practices; nothing could be further from the truth. As I told the Hon. Minister last week, he and I have clearly very different views of the real effect of his employment practices.

480  
485 What the Government rather carelessly – if I can put it mildly – failed to mention is that we have also seen the highest annual average of numbers of unemployed Gibraltarians in just one year of GSD Government that there has been in 15 years of four GSD Governments. And to rob, Mr Speaker, from the *Gibraltar Chronicle* headline of last Friday, what the Government hails as a record number of locals in jobs, has to be analysed more closely.

490 The basic fact is that we can see that most of the jobs have been provided by the public sector, amounting to a 9% increase and that there has been an almost identical decrease in the private sector and the MOD. This, on its own, creates a very dangerous precedent which is that an ever-growing public sector, which in one year alone has grown by 417, will only give rise to higher expenditure, which in turn can only be serviced by the engine of any modern western economy – the private sector, a sector which in Gibraltar is now shrinking.

495 The Hon. the Chief Minister himself yesterday attributed the reduction in the tax yield to less activity in the construction industry. Much of the increase in Gibraltarian employment must be on account of the fact that trainees are now employed and recorded as such. This creates an artificial and distortionary effect on the numbers, which allows the Government to say, 'Look at the figures, more Gibraltarians in employment' – the 'Hey presto!' effect that they are so fond of.

500 The further distortionary effect, Mr Speaker, is that the overall numbers employed, which has dropped by 3.3% – by comparison last year we saw an increase of 6.1% – would have been considerably higher had there not been an increase in public sector employment, and that is the point, Mr Speaker.

505 But just to drive the point further, as to the artificial effect of the Government's employment policy, I will make a comparison between two sets of figures. The numbers of Gibraltarians in full-time jobs in wholly owned Government companies is 111, in the public administration category; whilst the corresponding figure for October 2011 was one – 100 more employees in just one year. The total number of Gibraltarians – yes, he can check it – the total number of Gibraltarians in the public sector has grown by 442.

510 Mr Speaker, we are on record as having stated that we are in favour of Gibraltarians obtaining jobs but we object to a system which puts people in never ending placements in the public sector or artificially shoehorns them in Government owned companies, companies which rely on work or those which have been created at Government expense for the benefit of its supporters. (**A Member:** Hear, hear).

515 The fact is, that trainees are not receiving quality, or any training, because the scheme is in the nature of a job placement with no real training; it therefore does not prepare our young or unemployed for the challenges that they will face in a very competitive environment.

The scheme is nothing other than a considerably more expensive version – at £12 million a year, £48 million over the four years of the term, without taking into account the minimum wage increases – of the VTS; our scheme.

520 The cost to this community will not only be the annual £12 million and rising fee, but also the expansion of an ever increasing public sector. We are missing an opportunity to properly invest in our young people and unemployed by delivering good quality training, which delivers a skilled workforce which is able to work in real jobs. Hard work and entrepreneurship are the cornerstone and the best features of our community.

525 We therefore need to make sure that a properly targeted investment scheme delivers training schemes which gives the whole community the competitive edge in areas such as telecommunication, gaming, the hotel industry and construction. Parking people in the FJS for the effect it may have on the numbers – which as I know is the Hon. the Minister for Employment's pet subject – has no place in modern Gibraltar, Mr Speaker. This is the reality which the Hon. Minister fails to see.

530 There are also other areas I would like to touch upon, in relation to the Hon. Minister's responsibilities, which I shadow, which give rise to concern and I will deal with them briefly.

Firstly, we have seen in the area of construction training how no new trainees have been taken on since December 2011. We all wait with bated breath for the unveiling of his new plans in September of this year. But in the meantime, Mr Speaker, we are seeing how no new opportunities are being given to our young people to better themselves in the one area where proper NVQ qualification training is being provided.

535 Secondly, we have seen how the numbers of registered employers in the construction industry have gone up very substantially from 466 in March 2011 to 593 in December 2012; a total of 127, or by 74 during 2012. But yet, in a Bermuda Triangle moment, (*Laughter*) all the construction work appears, in fact, to be disappearing. We are also seeing construction jobs going down by 1,426. The burning question to ask, Mr Speaker, is whether these companies are being set up to artificially create jobs for FJS trainees, in exchange for Government work. (*Banging on desks*)

540 Thirdly, we have been at the receiving end of complaints – and the hon. Member knows this – from constituents who claim that they are not being shown vacancies at the ETB, on the grounds that they are currently in employment. The hon. Member, I know, denies that this is happening but the complaints keep coming in. If it is happening, it can only be to ensure that the vacancies go to the trainees on their books and thereby reduce the numbers. This would be reprehensible behaviour if it were true, Mr Speaker, because it would be denying people in employment, the opportunity to better themselves.

545 Fourthly, we have also seen how the Minister for Inward Investment is, despite his leader's claims, in May 2011, that the party had investors knocking on their door, only to come to Gibraltar on the condition, it seemed, that there was a GSLP victory on 8th December 2011; very much *à la* secret economic plan. But the fact is that none of that has in any significant way materialised, as can be seen from questions we have been asking in this House. The fact is, Mr Speaker, that the Hon. Minister, in his tunnel vision of life, is only interested in the figures without realising the potential damage he is inflicting on our young and the future prospects of the economy, and therefore our community as a whole.

550 Mr Speaker, some of my other areas of responsibility include tourism and the port, where I shadow the Hon. Minister Costa. As I have said in the past, these areas are those which go to the heart of our economic well-being and therefore prosperity as a community. The Hon. Minister is, for example, on record as having described the vitally critical economic activity represented by cruise lines and cruise passengers disembarking at Gibraltar's port, which is one area, of course, of tourist and port activity.

555 Mr Speaker, I would simply wish to remind this House what I said in my first Budget address last year, I said this:

560 'I feel very comfortable, indeed, standing in this House representing the GSD record and will now seek to make a case by reference to some statistical information, which shows why the GSD's four consecutive terms in office proved to be such a huge success in the tourism sphere. The Hon. Minister for Tourism knows deep down inside that he has a very hard act to follow...'

I went on to say –

570 'On any perusal of the Tourism Survey Report of 2011, the only conclusion that any reasonable observer can come to, is that Gibraltar has done very well indeed.'

– I then ended saying –

575 'Success has to be built on strong foundations and the statistics I have been through show what can be done if this area of Government policy is handled carefully and intelligently.'

580 That was then, whilst this is where we are now. The analysis of the figures, as shown in this year's Tourist Survey Report, which was laid in the House only last Thursday, indicates that the Hon. Minister has, indeed, found his predecessor a very difficult act to follow.

I sincerely wish the Minister well over the remaining two years of this term and that we will see a positive trend emerging because, as matters stand, the trend is pointing quite frankly in a different direction. As the Leader of the Opposition pointed out yesterday, that golden economic legacy, which we left, should not be lost.

585 Visitor arrivals by sea are down by 33,253 from last year. In one month, i.e. March, we have witnessed a rather depressing drop of 34.7%, and in July, an eye watering 41.1% – less than 9% shy of half of the amount in the previous July of 2012. If he wants to raise – as in fact because I premeditated the defence he was going to deploy this morning – the rather spurious defence that these figures have nothing to do with him and they represent a lag from the previous Administration – and I will explain later, Mr Speaker, why that is not available to him in any event – let me tell him that the number of passengers on the figures, as we can see them up to May of this year, when compared to the same period in 2011 and 2012, represents less, not more than what arrived in those years I have just referred to. In 2011, we saw 100,915 passengers arriving in our shores; and, in 2012, a slight increase of 101,545; whilst this year, we are seeing 5,101 passengers less than in the previous year.

590 In terms of cruise liner arrivals, one of the Hon. Minister's obsessions... and I have told him in the past, both in this House and in a TV debate, that he should fret less about cruise call numbers and more on numbers of passengers arriving. For example, in March 2012, we saw one of those eye watering figures representing a 35% reduction on the same number of calls, i.e. two calls.

600 But going back to the Minister's obsession on cruise liner calls, here too, we also saw a reduction, by  
 14 between 2011 and 2012; from 187 to 173. Yet, although the figure has risen slightly in terms of  
 anticipated bookings for 2013 to 187 – interestingly, Mr Speaker, that is the equivalent level of the last  
 GSD year in 2011 – if one does a comparison between the respective positions of the years 2011, 2012  
 and 2013, on the latest statistics which takes us up to May 2013, we see another depressing story. At this  
 point in 2011, we had seen 67 calls; whilst in 2012 we saw 69; and this year, 50. We seem to have done  
 605 considerably better in March, with an increase from two to eight but reductions in all other months,  
 notably last month which went from 32 to 21 – the lowest it has been in 11 years. But even if the  
 expected higher number of calls materialise for 2013, 300,000-odd passengers will be visiting. Yet, with  
 almost the same number of calls – at 187 – 325,000 passengers came to our shores in 2011, with 303,000  
 passengers brought by considerably less calls – at 175 – in 2009.

610 You see, the Hon. Minister cannot shy away from the responsibility which he has for what is a  
 slowing down area of... this area of our economy and only attribute positive results to himself. It was in  
 last year's Budget, Mr Speaker, when he very confidently stated that the figure for cruise calls for 2012  
 had gone *up* by seven; in fact, the number turned out to be higher than that – 13; and claimed that this was  
 on account on the Government's policy and I quote, 'of pursuing personal contacts and structuring  
 615 continuous and fluid communication with the decision makers in the industry.' I have told him in this  
 House and outside of it, that he had not discovered America and that I was sceptical that his discovery  
 would reap results beyond what had already been achieved by the GSD. But I was, of course, willing to  
 give him the benefit of the doubt, given that he was so enthusiastic with his new found approach.

620 The fact is that the figures speak for themselves. In the months following his address, every single  
 month showed a reduction in the number of cruise calls, other than in September where there was a slight  
 increase of three, and in October an even slighter increase of one. Who or what does he blame for this?

625 Visitor numbers to the Upper Rock are also down. As at March 2013, we have seen 87,306 visitors,  
 yet the figures for the same period in 2010, 2011 and 2012 are 91,000, 98,000 and 107,000, respectively.  
 The 2013 numbers are down by a staggering 19,896 from the previous year. All of this, despite the much  
 publicised £1 million investment in our tourist attractions and with a further £1 million allocated for this  
 financial year. Let us hope that the figures pick up in the future.

630 Total – and I appreciate the distinction which the Hon. Minister made this morning, but the fact is that  
 – total land visitor arrivals are also down by 113,000, from 2011 to 2012, as are coach arrivals by 122  
 over the same years. 2013 is, as at May, seeing a similar downward trend in equivalent periods in 2012,  
 with a reduction of 585 coach calls. Tourist expenditure, which is the most worrying figure I can quote  
 this afternoon, is also down by £34.72 million, at £244.69 million – the lowest it has been for the past six  
 years.

635 All told, the fact is that, other than in air arrivals where we have seen a marginal increase, we have  
 seen reductions in all areas of tourist activity. As I have said previously, this is a trend which I sincerely  
 hope the Government can redress and that the substantial monetary investment, which it is making in this  
 area, reaps benefits and reaps them soon.

Mr Speaker, the Leader of the Opposition has asked me to address some of the points made in  
 Members' contributions before me, on the Government side, and I think they have all contributed other  
 than the Hon. the Minister for Culture. I will deal with some of the points made.

640 Firstly, in the area of e-government, Mr Speaker, let me welcome the Government's initiative to – I  
 think it was announced by the Hon. the Chief Minister – to set up an online service for the submission of  
 forms to the ETB, given that that is one of my areas of responsibility. I am sure that this is an initiative  
 that will find favour by users of the service, in particular the business community.

645 Secondly, let me assure the Hon. the Deputy Chief Minister that he will find the Opposition  
 supportive in respect of the Government's efforts in relation to the continuing inclusion of Gibraltar in  
 EU aviation measures. This is something which – I know he is a historian and we have discussed it on  
 many occasions before – which was denied us for many years, as a result of political pressure from Spain,  
 following our rejection, as a matter of principle, of the infamous Airport Agreement of 1987 and it is a  
 right which we ought to enjoy as EU citizens.

650 Thirdly, I would want to pick up on some things which have come through after hearing the hon.  
 Gentleman and Lady opposite. That is that they are clearly all on a veritable spending spree, Mr Speaker.  
 These are Ministers whose political leader spoke of a – the Hon. the Leader of the Opposition quoted it  
 only yesterday – 'serious public finance problem'. This was only a year and a half ago. He painted a very  
 'bleak economic picture'. How is it possible, Mr Speaker, that they have managed to turn the tide of  
 economic doom and gloom to a situation where they can spend as if there is no tomorrow?

655 The answer is clear, and that is that what Gibraltar witnessed in 2011 was indeed a big lie election.  
 (**Several Members:** Hear, hear.) I could understand if, following their accession into office, they had  
 said, 'Well, we now have to change direction. We have no money. Let us wait and see what our new and  
 wonderful economic policies will bring,' and then perhaps, in their last Budget in their last year in office,  
 say, 'Here we are, look at all the new investments which we have brought in and we are now going to

660 spend, spend and spend'. No, that is not the position, Mr Speaker. They started spending from word go – in a monumental U-turn from the first GSLP Government's time in office, which believed in saving money. That was a matter of principle that the Hon. Minister for Employment kept on saying: he believed in saving money for a rainy day and that was a matter of principle which one could respect, it has obviously had a real reaction, Mr Speaker.

665 They have now become the spendthrift Government *par excellence*. We have heard of money being spent on refurbishment of estates; on new posts in the Health Service; increasing allowances here and there; an astronomical increase, as my Hon. Lady Friend Mrs Ellul-Hammond mentioned this morning, on GHA spending, where the Hon. Minister for Health rather disingenuously stated that this is the first time that the Health expenditure has come within budget. But of course, that may be true but he fails to mention that there has been a humungous increase in expenditure; from an originally estimated expenditure for 2011-12 of £78.9 million to an estimate for this coming year of £90.5 million. Talk about spin or, as he would put it, gyration! £4,000 extra for the Education Budget, is the Hon. Minister for Education and most of the other areas of Government responsibility; a doubling of Finance Centre staff; more resources in marketing; a further EO post in the Gambling Unit; new, I think it was, 16 bicycles for the RGP; new expensive vessels; a further £1 million on tourist items; the list goes on and on and on.

670 All of this simply reinforces our charge: an accusation that 2013 was a big lie or, as I would put it, the big deception election; and the electorate know that this is the case and will not be duped by them again. (Several Members: Hear, hear.) (*Banging on desks*).

675 The Hon. Minister for Housing, Mr Speaker, moving on, refers to the 'research' which his party carried out in Opposition, the result of which, he claims, has allowed them to address Gibraltar's housing needs. That is really careless use of language, if I can put it in those terms. Does he really expect us to believe what he says?

680 They kept on saying time after time, when in Opposition, that there was a collective of Gibraltarians which had been exiled from Gibraltar into Spain because of lack of housing here. Yet, when we asked them to state how many of those poor people there were, they said there were only a few. (A Member: Two.) Two or three. This can only suggest that either they were not candid in making the political points before or their research is faulty. He really has to learn to be a bit more persuasive.

685 I will now pick up on a point made by the Hon. the Deputy Chief Minister, that we are a nit-picking Opposition. It is a bit rich coming from the hon. Gentleman (*Laughter*) given his propensity for issuing press releases when he was in Opposition. He knows that this is not the case; he knows it, Mr Speaker. We have welcomed Government initiatives. We have worked together – as the Hon. the Minister for Tourism has publicly acknowledged, and I am grateful for that – on legislative initiatives. We have taken initiatives such as the motion on the EU vote, which sought and obtained a cross-party position on an important issue which affects us all. The criticism, Mr Speaker, more accurately describes the previous Opposition's behaviour but not this one. Nit picking is, in fact, an activity which they rather remarkably continue to indulge in as if *they*, not us, were still in Opposition.

690 Eighteen months in and they are still in Opposition mode or, as I would describe it, GSD bashing mode. (*Banging on desks*) The Hon. Minister for Health is quite blatant, when he expressly said in words yesterday afternoon, 'I will continue to blame them'. If you heard his speech, and that of many of the other Ministers, you would be forgiven for thinking that the Leader of the four-term Government, which had inflicted so much harm on the community, should be the recipient of a knighthood, which attracted praise from both sides of the House.

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705 **A Member:** I am shocked.

**Hon. D J Bossino:** This is an inherent... He says that he is shocked, well... This is an inherent contradiction in their position. But you see, Mr Speaker –

710 **Another Member:** 'I am shocked', he said.

**Hon. D J Bossino:** Yes, he said that.

715 I am really concerned for the Members opposite because they are starting to believe their own propaganda. The Hon. the Minister for Housing refers to 'the forgotten estates'; the Hon. Minister for Health now refers to 'the illegal fishing agreement', as if they were universally accepted definitions of these things. They are none of these things.

720 If the Hon. Minister for Health is going to pray in aid the electoral result as vindication for his careless announcement on Facebook, he must know that he is treading on thin ice, because more than half, i.e. the majority of the people of Gibraltar, did not agree that that was an illegal agreement which required tearing up or that the estates, which they themselves lived in, were forgotten. The great blunder, if I can use the Hon. the Minister for Health's words, was not the agreement – the co-author of which was the Hon. Sir Peter Caruana; yes, the one they heaped praise on so lavishly yesterday – but *his* for perpetrating nothing



other than a diplomatic disaster. To suggest that it only seems that there are more incursions, because there is a camera on everyone's iPhone or phone, really takes the biscuit. Why don't they have the humility to accept this, that this was Picardo's Bay of Pigs moment?

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Mr Speaker, just as an aside comment, I must say that I am concerned more for the Hon. Minister for Health's heart than for his weight, as I saw him rather worked up yesterday. I must say, Mr Speaker, I know that he is a good actor so maybe he did not mean much of what he said, or at least the way he said it. This advice, I also impart on the Hon. the Minister for Employment and all the other areas of Government responsibility, who in his continuous Jack-in-the-Box interruptions of my Learned Friend and Hon. Friend Mr Figueras' contribution this morning – and I impart the same advice to the Hon. Minister for Social Services and Tourism – was really rather remarkable and unbecoming, I think, of behaviour that one normally sees in this House.

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But you see, Mr Speaker, the only explanation that I can find for their lamentable behaviour this morning, is that it betrays a nervousness at their electoral prospects in the next 10 days. The listening and now viewing public will note that the Opposition, Mr Speaker, has not interrupted one of the Government's interventions, and have courteously sat through many of the barbed and pointed criticisms which have been made by them, of us. All we ask them to do is to treat us in the same manner. This is called freedom of speech, which they say they believed in at the time of the last election when they expressed the desire – and this is set out in, I think it is, page 12 of their manifesto – to ensure that no-one in Gibraltar should be afraid to speak their mind. Well, let me tell them one thing, this Opposition is not afraid to speak its mind. (*Banging on desks*)

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Just, Mr Speaker, to touch upon the Government's spending programme once again. People need to ask themselves this, do they see that new investment that was promised coming in, which affords the Government the opportunity to spend at the pace that they are spending? If the answer is no, they need to ask themselves, where will our public finances be in two, three or four years time? I trust that no-one on this side of the House will have to make the sort of arguments which the Hon. the Chief Minister made as to the state of our finances, but this time with justification. The Chief Minister said, in his Budget address, and is quoted in today's *Chronicle*, that, 'Everything which should go up, is going up and everything that should go down, is going down'. I am not sure what he was referring to because clearly unemployment is certainly going up, Mr Speaker. Or is he referring to coach arrivals, land arrivals, Upper Rock visitors and hotel room occupancy? Because they are all definitely, Mr Speaker, going down.

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For all these reasons, when people are given the opportunity to have their say as to this Government's performance... although there will not be a change of Government on 4th July, I am confident that they will be sending a very clear and unequivocal message to this Government that they are not happy with the way things are going and that the Government should change course and change it now.

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Thank you, Mr Speaker. (*Banging on desks*)

**Mr Speaker:** The Hon. Mr Steven Linares.

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**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, this is my 14th Budget speech and from all the other Members, except Peter – Mr Caruana – and Mr Netto, I, from that side, have done more Budget speeches than any of you. It is my second as a Minister. I am not going to go on about the behaviour in this House of either side because it is *nothing* compared to the behaviour that I had to endure when I was sitting on that side for 11 years, from people sitting on this side – nothing compared. This is Mickey Mouse.

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Mr Speaker, I am glad that the Chief Minister is going to round up with the Budget speech because I would have had a field day to try and answer all the issues that have been brought up in this House. So, I will just refrain myself to just carrying on with my Budget speech.

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Mr Speaker, I cover a number of Ministries that are more high-profile, like culture and sport, as well as others that generally receive less publicity. I will, therefore, start with the ones not usually mentioned but which are also very important to our community, in respect of the function that they perform. In fact, I feel honoured that these have been entrusted to me.

As Minister for Utilities... I cover both water and electricity, as the Chairman of AquaGib and the Gibraltar Electricity Authority.

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In relation to water, we are seeking to continue a good relationship with our partners AquaGib. As we all know, this is a private company that has, for years, delivered water to our homes in a very efficient manner. They pride themselves on customer service that is second to none.

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The company is currently looking at how we will include into their system all the ex-MOD properties that have been handed over under the 2011 lands deal. The aim is to reduce costs without affecting the workforce and the quality of the service that is delivered. This is coupled with the fact that we have a manifesto commitment of not increasing water tariffs during this term of office. The company is investigating how to produce cheaper water than we are doing currently. RO plants that were

commissioned by that side are very expensive to run, since they run on electricity and producing electricity in itself is very expensive.

785 The Government is also looking at how we will deal with our waste and we are actively examining how we can use our waste in order to produce energy. As a member of the inter-ministerial group, which is looking at energy sources, I am interested in seeing all kinds of systems that can produce energy, cut down on our carbon footprint and, at the same time, save on costs. I will later on explain how we have been able to do this at the swimming pool.

790 In relation to electricity, it is already public knowledge that our Government is going through the tender process to procure a new power station. When one thinks of the plan that the previous Administration had for the future generation of power, people would be right to question where the logic in such a project lies; diesel-powered engines that would have trapped us for 30 years, costing £140 million and also involved an increase in tariffs for 20 years at 5% per annum. We did not find out about this – talk about deception – proposed increase until *after* the General Election.

795 We are now looking at different options with environmental considerations uppermost in our decision-making. Our aim, obviously, is also that the cost of producing electricity is reduced. We have had to contract Energy International to provide Gibraltar with enough capacity for the supply of electricity until we have the new power station.

800 I understand that Mr Netto might not be interested because he is the Minister for Utilities and he is not listening, so never mind, I will carry on. (*Laughter*)

Any problems are generally caused by the ageing infrastructure, which we have inherited which should have been tackled in the last 10 to 15 years. Be that as it may, I am happy that the power station, which will be in place sooner rather than later, will be the type that our community deserves.

805 Mr Speaker, I now move on to the Postal Services. We had a situation in our Postal Services where at least three SOGs – Signal Operative Grade – basic staff had been on the ‘supply’ list – ‘supply’ meaning that they were permanent for four years. These officers have now been employed on a full-time basis. One cannot understand how somebody can be employed on a supply basis for four years and not needed.

810 A long-standing claim that the postmen and women have had was that of ‘finish and go’. We can say that last summer they went on the ‘finish and go’ and that this could continue. In turn, they have agreed to maintain an efficient service to the public. Further, the Government have reviewed the contract with Change Management Ltd and we have contracted the services of three of their four employees of Change Management Ltd on an individual basis.

815 Refuse collection is another Ministry area that I cover. I can say that when we came into office, the men’s depot could have been better. The men’s depot was in a *shameful* state. ‘Golden legacy’. I can now say that we have developed a good working relationship with the men, and the union and my office. Issues which arise are quickly dealt with to the satisfaction of all. Sometimes it only takes listening to their concerns. This is a *listening* Government, Mr Speaker.

820 The Fire Service – a review has now been conducted, completed and a copy has been made available to interested parties. The Government, through the Chief Minister, as the Minister responsible for Industrial Relations, and myself as Minister for the Fire Brigade, intend to engage on the report with interested parties.

825 It is important to note that minor issues that the men have had for years have now been resolved. As to the lady’s comment, I am proud to say that I visit the Fire Station regularly. I meet with the City Fire Brigade officers at least once a month and my doors are always open to both committee and the unions; a far cry from the past – the Minister hardly ever visited the station, only probably when she was a young girl and allowed to go to the Christmas party.

830 We are currently engaged with the unions to implement reforms to the dispatch system and this will be one that will be prioritised and implemented within the next few months. I am confident that we can achieve this with the goodwill on all sides.

Civil contingency is another of my roles and I see that all the essential services need to be well co-ordinated to deal with any eventuality. There is still on-going co-ordination to establish what equipment is held by different services. This shows that not much had been done previously because the people who are experts and professionals in the field were not allowed to function as they should.

835 The new Government found that the bunker, i.e. the boardroom at No. 6’s cellar, which had been projected as being state of the art, and in which the Chief Minister and the then Civil Contingency Minister would liaise centrally with all heads in the C3 committee, was simply not fit for purpose. To give an example, there are no independent generators placed there or nearby, so a simple power cut would cut communications with the outside world. All this is being looked at now.

840 The Government are now looking at having a mobile control vehicle that can easily be deployed anywhere and where the Command Centre can be situated. Furthermore, we have employed a Civil Contingency Press Officer who can deal with communicating to the general public, through the media, in order to be able to inform people on the impact of any possible disaster. Mr Speaker, people panicking and not knowing what to do in these circumstances has to be prevented at all costs.

845 As to the hon. Lady's comment that I have met three times in one and a half years, again I think I would put it as disingenuous, or whatever, but that is not true, Mr Speaker; she asked the question way back in February, therefore, I have met more times since then.

850 She should have actually asked the question maybe in this last House and then she would have been correct. The fact is that I have met with them four times in the full C3 meetings, three times in the sub-meetings which are in between, and that I meet very, very regularly... In fact, I met with Mr Edmonds, who co-ordinates the Civil Contingency, in June 2012, December 2012 twice, in January 2013, in February 2013, in March twice, and in June, only 10 days ago, once. Much more than the Civil Contingency Minister did in *16 years*. So there you are, Mr Speaker, that speaks for itself.

855 I will now move on to other Ministries for which I am responsible – I guess the most glamorous ones.

Mr Speaker, on 1st June 2006, the previous Administration decided that the GASA swimming pool should be part of the GSLA and that the pool would be opened for the public to enjoy. Very welcomed, but no consideration was given to the increased number of users that the pool would have.

860 The consequence was that the pool deteriorated and hardly any maintenance was carried out. In fact, there was total neglect. This was reflected in the incident of February 2012, where the ducts from the air treatment system collapsed. I am pleased to announce that a major refurbishment programme is well under way which will transform the pool for the users to enjoy.

865 The most exciting part of this project is that the pool water, the hot water in the changing rooms and the air treatment of the whole pool will be powered by the sun. Solar panels will be placed on the roof to achieve this. In fact, the most important aspect of this reform is that the system will pay for itself within four to five years, with a saving on electricity bills which we all know are heavily subsidised by Government. After this period the investment will have been paid for and the savings will be considerable. This is a win-win for all: the taxpayer; the users of the pool; and most importantly for the environment.

870 We have also taken over the employees who were employed by GASA and the management of the pool is now under the GSLA, as it should have been from the very beginning.

875 Mr Speaker, the Bayside Complex will also be going through minor and major refurbishment work. The Hon. Member Mr Reyes has asked a number of questions which relate to whether the stadium is up to standard for international competitions. The fact is that many parts of the stadium, and the complex in general, have been neglected over many years. Take for instance the east stand of the stadium where the toilets and changing rooms were; these have been left to rot to such an extent that they have been closed for years. With a small budget and using the small companies of local workers, I am pleased to say that the whole of the east stand will be refurbished; all toilets and amenities will be improved for the use of spectators.

880 Continuing with the east side, it was shameful to see the state that the changing rooms on what is commonly known as the CEPESA area had degenerated to. Mr Speaker, that was constructed by the GSLP and it was still there only months ago. It was a Health and Safety hazard in the extreme, where many young boys and girls actually acquaint.

885 So, we took advantage of the fact that contractors were on site placing the magnificent turf on pitch No. 2; we knocked it down and for the time being, as a temporary measure, we have placed portacabins for use as toilets and changing rooms.

Further works in the area will include a cover on the stands where parents sit to watch their children play and where there will be cafeteria facilities in the same area. With some of the turf which was removed from the main pitch, which was deemed to be in a good state, we have improved the areas west of pitch No. 2. Now these areas can be allocated for training purposes.

890 Mr Speaker, the Government will continue with the refurbishment of all the facilities that have deteriorated due to years of lack of maintenance. The golden legacy. This includes the changing rooms which serve the old sports hall. A total refurbishment programme is also underway and will result in, not only the day to day users being able to enjoy the facilities, but the change will also give a good image to the many travelling teams who come to Gibraltar to compete in many competitions and have had to use these deplorable facilities.

895 Another innovation, in the Bayside Complex, has been to facilitate the use of what was the waste ground in the western most part of the Bayside Complex, where the slipway was constructed. Now, not only can canoeists enjoy this area but also those with jet skis. The area concerned was resurfaced, water meters placed, and parking areas marked with a separate entrance provided. Another fraternity, who were largely ignored, are now very happy. Within the Bayside Complex, the GFA have been housed on a temporary basis until the new stadium is built.

900 Mr Speaker, one last but important improvement which will be in place at the Bayside Complex by the beginning of the new season, and which the hockey fraternity have been asking for many years, is that of having floodlights at the hockey pitch. One cannot understand how we can have stands, first class turf for the playing of hockey and no floodlights. This has meant that having tournaments or visiting teams competing with our hockey players and training for hockey during the winter period could only extend

until sunset, which is around 6.30 p.m.. Now the hockey teams will be able to enjoy the playing of hockey until at least 11 p.m., which is the time at which the whole of the complex usually closes.

910 As the demand for more sporting allocation increases, we have to look at other facilities. The community use of schools, which was introduced by the GSLP in the 1990s, we will now be aiming to extend to continue during the weekends, and I am in discussion with my Hon. Friend the Minister for Education to see how we can work around that.

915 We are also trying to find ways in which these facilities can be used during the summer period. All playgrounds around Gibraltar, such as Hargraves, the Laguna, the Dolphins Youth Club playground, the Edinburgh Estate playgrounds, will be going through a refurbishment programme, which will not only improve facilities for the youngsters in the estates but will also allow them to be allocated to sports in general.

920 We have also spoken to GABBA, the basketball association, which manages the Garrison Gym, to see how we can maximise the use of this venue and I am pleased to say that we aim to have this place used throughout the week and weekends, not only for Basketball but also for other sports and maybe even as a cultural facility.

925 Though the Retrenchment Block at Lathbury Barracks had been refurbished, the allocation process was regrettably a shambles. The system of allocating premises was not done via LPS who had associations and groups on a list waiting for their turn. These allocations were often made simply at the whim of No. 6. Some were coincidentally on the list but the majority were not. This created a totally unfair situation in which groups and associations, which had been waiting for years for premises, were left out in the lurch.

930 In coming into office, we realised that there were some areas that were abandoned and could easily be used for sporting clubs and associations. This was the case with Town Range rooms where many premises have now been refurbished and have been allocated, using the system of applying via LPS.

935 I move on to Heritage matters, Mr Speaker. Harding's Battery, which is situated at Europa Point and was part of the refurbishment of the whole area, had been closed since it was inaugurated by the previous Government in 2011. As soon as the entire fanfare – talk about propaganda – was over, the place was shut. A few months after I became Minister, it was brought to my attention that the Battery which had been discovered underneath the mound where tourists viewed the Straits, an interpretation centre had been constructed and fitted out with glass panels and models of soldiers of the period.

940 We set about trying to find the keys and I was astonished at the fact that the contractor still had possession of the site since no one had bothered to take responsibility for this place. When we looked at the Battery, my office immediately organised for the centre to be opened to the public.

945 Mr Speaker, talk about spendthrift; one cannot understand how more than £300,000 had been spent on this project, and a whole media fanfare – talk about propaganda – had taken place months before the election, yet only for the place to be shut hours later.

950 Now, during the last month or so, and with the help of a private company Casais and Mr Richard Labrador and my office, a carriage was constructed and a 45-tonne gun placed on its original position. The cost was shared between Casais and the Ministry for Heritage.

955 The relationship with the Gibraltar Heritage Trust continues to improve – that is one of our manifesto commitments – and not only with the Gibraltar Heritage Trust but with other groups. The fact that the DPC is now an open, public forum has been welcomed by the Heritage Trust.

960 Further, we have introduced a Heritage Filter, similar to the Environmental Filter across Government. For people to understand what is meant by the filter, I would like to use the example of the new St Bernard's School. When plans were originally put to the Minister for Education, the proposal included knocking down what was the old Sisters' Quarters. The documents went through the filter which meant that it was assessed by the Ministry for the Environment and, in turn, the Ministry for Heritage.

965 Concerns were expressed by the Heritage Trust and, after a number of site visits by all parties, instructions were given to architects as to what was permissible. The magnificent plans now protect many of the heritage aspects of what was the old Colonial Hospital. That is democracy at work.

At this stage, I would like to quote from the media last week, where it was stated:

960 'The Heritage Trust welcomes the ex-Colonial Hospital Redevelopment and the Urban Regeneration Scheme. The Trust has welcomed the recent announcement by the Government of the redevelopment of the Old St Bernard's Hospital into a school and the new impetus given to the Urban regeneration of Gibraltar's Old Town'.

965 It carries on and says, the Trust says that these developments are very significant in terms of the conservation of the old town, and I quote:

'The hospital buildings at the site have a magnificent heritage value...'

If we are going to talk about people not being in the Chamber, it is unfortunate that Mr Figueras is not in the Chamber, but never mind, I took the point that Mr Speaker made before that some people have to

970 go, but it is just the point that he made on the development issue... and the Trust is really happy with the way it works and not how he wanted it to work, or how it used to work before, which was in a closed office. And it says:

975 'The hospital buildings at the site have a significant heritage value, both historically and visually and the project as proposed we felt will preserve and enhance many features of this beautiful building in the heart of our old town.'

980 The next part is where the filter has worked: the Trust is also pleased that it has been able to work with Government towards avoiding the demolition of the Sisters Quarters at the southern end of the site, as originally proposed in the initial draft scheme for the school, and that the building will now survive and be made use of for future generations to enjoy. And it looks forward to continuing its work with Government on the details of this project.

It is very satisfying for me to see that this magnificent project goes ahead as the Minister for Culture which includes the preservation of this place and the protection of its heritage significance.

985 Mr Speaker, the refurbishment of the Main Guard is another project that we are working on with the Gibraltar Heritage Trust. It came to me as a great surprise to hear the Hon. former Leader of the Opposition, and now backbencher, to say that he would like to see the Main Guard as offices for Members of Parliament. He was the one who, in previous Budget speeches, had announced that moneys had been allocated for the refurbishment of the Main Guard as the headquarters of the Trust. I wonder why he has suddenly changed his mind.

990 Wellington Front is currently going through an extensive programme of infrastructure works that will eliminate the historical flooding problems that it has always encountered. We will also refurbish the vaults and will be allocating them to clubs and associations that have been on the list and we will honour those that were allocated months before the General Election, and are obviously now entitled to have the place but were not entitled before.

995 Some of the buildings that were constructed after the period of the original building will be demolished. We will be working together with all interested parties to see how we can improve the whole of the Northern Defences, including the whole of what is known as the 'jungle area'. This will be co-ordinated together with the Heritage Trust, the Heritage Division of the Ministry, with the Youth Services and all other groups interested in Heritage. This is a project that will be driven by the Heritage Action Committee.

1000 Southport Gates suffered deterioration to the extent that we have had to employ experts who are working with locals to restore parts of the wall. In order to save on costs, we have extended the works to restore the St Jago's Arch, which has been a project which has been on the cards for many years and which was not tackled.

1005 We have also plans to use the Ragged Staff Magazine as a venue for events and also to be able to expose vintage cars during the year, in order to attract tourists to the area.

1010 One of the areas that we are working hard at is the application of Gorham's Cave and Vanguard Cave to be a World Heritage Site. As we all know, this has been a longstanding project that has been led by the Museum Team. As we speak, I know that Prof. Clive Finlayson, Dr Fa, and Dr Gerry Finlayson and their team of archaeologists are carrying out considerable work at these caves. The Ministry for Heritage will continue to support the bid for the World Heritage status of the caves that will bring benefits to Gibraltar.

1015 Another of our manifesto commitments is to digitise all archive documents. Together with the Kusuma Trust and the Garrison Library Trust, all newspapers and archive documents will be digitised. This exercise will give some of the staff at the Garrison Library the opportunity to acquire the knowledge and skill of using the equipment for the future. This is a long term project that will soon be starting.

As is already publicly known, the King's Bastion Leisure Centre has a huge deficit that could have been avoided had it been organised and managed in a different way. Contracts were awarded that did not encourage the operators to run the place in a purely commercial manner.

1020 My task is to try to lower this deficit and for it to continue to serve the community and make it a place which people of all ages can enjoy. I am pleased to say that Boyd's is now becoming a place which many corporations are using for their functions. We are trying to see how we can cut costs without affecting the service. We are looking at ways in which the huge electricity bill can be lowered by having alternatives other than being linked to the main grid.

1025 It is incredible that the current air conditioning is not fit for purpose, despite it having cost £750,000. One wonders why? The initial explanation is that the system was not one for the size of the centre but for offices or a smaller commercial area. Further, the entrance did not have double doors in order to prevent the outside temperature from impacting on the interior. All in all useless; yet £750,000 was paid towards it by the Members opposite.

1030 One other major issue is the fact that the ice rink is currently costing an average of £7,500 in electricity per month. Again we are looking at alternatives in order to lower the costs. I am sad to say that at present the only part of the centre that is self-sufficient, and unfortunately is closed, is that of the

gymnasium. We are working hard with Technical Services to see how soon the sewers can be repaired, because it is a question of the sewers going wrong outside, and therefore, the gym has had to be closed and we are hoping that we will get this up and running as soon as possible.

1035 Another of my ministerial responsibilities is that of youth. I am happy to announce that the Gibraltar Youth Service will be reformed. We aim to increase the complement by 100. This will not happen at additional costs.

1040 What we intend to do is to take on the administration role elsewhere and allow the professionals, with volunteers and part-time workers, to be in a position to open the youth clubs during weekends. This is one of our manifesto commitments which will be fulfilled well before our four-year tenure expires.

Our youth play an important part in our society. It is not good enough to have youth clubs open during the weekend; but they also need to be properly resourced, with programmes that will empower the young to be fully part of our society.

1045 A formal youth policy is being drawn up in consultation with the youth workers themselves. The proposal is that the new structure will have a principal youth and community officer, who will replace the youth team leader; two senior youth and community workers; and five youth and community workers. All will be working as a team in order to be in the front line of youth and community work, primarily at the youth clubs. They will also act in close liaison with schools and with the voluntary sector, such as the scouts, guides, St John Ambulance, the Duke of Edinburgh and, indeed, also with Social Services itself.

1050 We are glad to say that the youth clubs have also seen an improvement in resources by way of refurbishment and more will be done during the next financial year. We have plans, in close consultation with all parties, to improve the premises in the Upper Rock for the guides and to make this camp disabled-friendly. It is unfortunate that the Minister was not listening.

1055 This has been well overdue and we will continue to see how we can do the same with other premises also used by voluntary partners. It is important to realise that some youth work is being done on a voluntary basis, in fact quite a lot, by many people. I would like to take this opportunity to thank them for all the hard work that they do.

1060 Though sports is associated with leisure, it is also true that culture also teams up with leisure. When we came into Government we found the mess that was left by the previous Administration, in relation to the Gibraltar Culture and Heritage Agency. I am glad to say that, although it has taken time to sort things out, we are now closer to correcting the situation that we inherited. Without delving too much into the problems, I can say that the staff who were in that situation have responded in an exemplary way.

1065 We have seen how the Mackintosh Hall has had a major facelift. The library is now a place which many people choose to visit and the membership has increased immensely. It is now opening on Saturdays and has increased the service to the public. These facilities and others are now being maintained on a regular basis. This includes the Central Hall, the Retreat Centre and the Town Range facilities for clubs, among others.

1070 The staff employed in Culture have worked hard in order to deliver events, such as the celebration when the GFA obtained full membership of UEFA, as well as helping the SDGG to organise National Day and other events. This includes the New Year's celebrations, the visit by the Duke and Duchess of Cambridge, providing assistance during Vice-President Al Gore's visit, and the Miss Gibraltar Show. This last event was a great success, despite the critics saying that the Mackintosh Hall was not a good venue.

1075 I can say that, together with my colleague the Minister for Tourism Mr Costa and his staff, we have also assisted with the Literary Festival which is taking place in Gibraltar. This will hopefully be an annual event that will attract many literary lovers to Gibraltar on a regular basis.

1080 The Strongman competition that was held in Gibraltar in October last year will, this time, come to our shores at the end of September. After the success of last year, in which we saw our very own Daniel Gracia competing and matching the best in the competition, we are actively looking for a bigger venue, or to see how we can maximise the current one, in order to be able to fit in more people.

1085 The Strongman competition was beamed via Eurosport in which we all saw a one-hour programme on this event. This not only showed the competition but also captured Gibraltar as an attractive tourist destination. The Strongman contest this year will do the same. We are also marketing it so that people who like this sport spend two or three days here in our hotels and go to spend money in our bars and restaurants.

1090 Another competition, which we have managed to bring to Gibraltar, is that of the Darts European Trophy. This is a three-day event in which we will see the best in the world, that is Phil 'The Power' Taylor, Michael Van Gerwen, James Wade, Adrian Lewis and many others. This competition is this weekend so I invite all Members to go to the Tercentenary and have a good time in shouting '180' when players score that. We anticipate that there will be a very good turnout for the six sessions, especially on the final day. A one-hour programme on this competition will be shown on Sky Sports soon afterwards. This will again prove invaluable to Gibraltar.

1095 The Drama Festival this year has shown an increase in participation and has included groups that have competed and others who have just participated for the fun of it. We will work together with all concerned, including GADA, in order to see how we can improve the Drama Festival even further in years to come.

1100 Other innovations on the cultural scene are that of Gibraltar's participation in the Little Constellation project. We are currently working at hosting the contemporary art exhibition in Gibraltar next year. This will give us all an opportunity to see and value what is going on out there in the world of art. It will also give us an opportunity to export our art and see how we feature in relation to the rest of Europe within the Little Constellation countries.

1105 Last weekend saw the Calentita event. It was a huge success so much so that Casemates is fast becoming too small. This year we extended the venue to the bus stops at the Market Place and even that was packed with people. For next year we will be looking at making it bigger and better, as we said in our manifesto.

Another two of our manifesto commitments, are those of promoting an annual jazz festival and having a Mega concert, are well on the way.

1110 Now in its second year, the Gibraltar Jazz Festival, in October, will see none other than Jools Holland and his Blues Orchestra, featuring Gilson Lavis with guest star Melanie C and guest vocalists Ruby Turner and Louise Marshall. Further, we will have again Kirsty Almeida with her band, Elie Massias, George Posso with his friends, the London Jump band and, from the States, Dan Moretti. We will be using different venues this year. It is already an annual feature on the cultural calendar and I hope it will continue for years to come.

1115 As to the Mega concert, last year's huge success now needs to be matched and I am confident that, this year, people will enjoy the festival even more than they did last year. The Mega concert has already developed into a Gibraltar Music Festival. It will go on for longer this year and the festival feel we created last year will be experienced again this year. Unfortunately, until we sign up contracts with artists, we are not in a position to say who the artists will be. This will soon happen.

1120 Mr Speaker, I would like to take this opportunity to thank all my staff and all the men and women who work in my Ministries, Departments, agencies and even private companies, for which I am responsible. I know that with their collaboration and assistance, everything has worked more smoothly.

Therefore, thank you, Mr Speaker. (*Banging on desks*)

1125 **Mr Speaker:** The Hon. Mr Edwin Reyes.

**Hon. E J Reyes:** Thank you, Mr Speaker, sir.

1130 I wish to commence my contribution this year by reiterating our collective congratulations to the Gibraltar Football Association on the success of their application to become the 54th member of UEFA. Gibraltar as a whole rejoiced spontaneously upon hearing the excellent news of attainment of full membership of UEFA and, therefore, I sincerely hope that Gibraltarians, in even bigger numbers than in the past, will support our team in all their future competitions.

1135 I am glad to note that Government continues with the already existing GSD policy to assist all local sporting bodies to overcome any foreign Government's politically inspired attempts to block our membership of international sporting bodies. This policy will certainly continue to receive the Opposition's support and I wish all other sporting associations, especially those like rugby, tennis and even the local branch of the IOC, all the very best in their continuing battles to obtain their respective international memberships, which we all know are rightfully and legally theirs.

1140 The Government, Mr Speaker, is presently working closely with the Gibraltar Football Association towards the provision of further football pitches and related facilities. In fact, quite large sums will be spent on projects which will be of direct benefit to the local football fraternity. These extensions of facilities carry our 'in principle' support, but I must also take this opportunity to remind Government that facilities for other sporting associations, once again examples like rugby and cricket, cannot be sacrificed in the process of enhancing only football.

1145 I urge Government to be ever-mindful that a level playing field must be provided for *all* sporting associations, more so, Mr Speaker, as it is a manifesto commitment of theirs, and I quote, 'To monitor the demand for additional facilities for all other sports, to ensure that existing facilities are developed further in line with our community demands'. I continue quoting, Mr Speaker, because they also said, 'The Government is committed through its election promises to provide renewed facilities for the playing, teaching and development of both cricket and rugby at Europa Point'.

1150 If, however, circumstances have changed over the past 18 months then the affected sporting bodies should be fully informed directly by the Minister and not left in a state of limbo. I would respectfully like to remind the Minister for Sport, of Government's commitment to provide separate premises for martial arts and other associations in what they promised would be one large martial arts centre.

1155 Mr Speaker, I wish to make a quick reference in a cordial manner so that the Minister for Sport can check it up; in his address a few moments ago, if I am not mistaken, he said that the allocation of premises within the Retrenchment Block was done without any consultation with Land Property Services Ltd, which actually holds the register of applicants.

1160 I can personally testify, Mr Speaker, that that is not correct. I believe the Minister may have been misled and, therefore, I am willing to discuss with him behind the Speaker's Chair and even provide names of the individual, or individuals, within Land Property Services Ltd who did provide the list of all registered applicants. That is a very different matter to what they can legitimately say they wish to criticise the policy and the selection procedure that was gone through in order to allocate those premises. But certainly, for the record, I wish to state that every applicant who had registered through the process that was in place at the time... that was through Land Property Services Ltd, were considered. Some were successful and others were not, but such is life, Mr Speaker.

1170 To continue, Mr Speaker, although I am also a firm believer that individual sports governing bodies should be allowed to manage their own affairs without political interference, I urge Government to take a particular interest – perhaps the correct place is through the Sports and Leisure Authority – to ensure that publicly owned facilities are used in a fair manner for the benefit of all sports lovers.

A case that immediately comes to mind is the discontent that is presently brewing in respect of usage of the 25-metre swimming pool and which ultimately falls under the auspices of the Gibraltar Sports and Leisure Authority. There is both a duty and moral obligation, in my opinion, for the sports opinion to ensure that, whatever is desired by a citizen, membership in individual clubs, and even their respective governing body, is open to all in an equal and fair manner.

1175 Therefore, I again urge the Minister, this time in his capacity as Chairman of the Sports Authority, to look into these discontents which exist in respect of some governing bodies – in particular matters pertaining to swimming and boxing. I believe it is possible to resolve these with proper guidance and monitoring and therefore provide fair membership accessibility for all sports lovers.

1180 Mr Speaker, through the collective celebration of social events, participating Gibraltarians contribute towards reinforcing our identity, our culture and history, as a people and as a community. Both the performing and fine arts fraternities always prove themselves to be very proactive within their own specialised area and I take this opportunity to congratulate all the groups and individuals who have done Gibraltar proud through their international participations, and in some cases even through the top awards gained.

1185 Mr Speaker, through its manifesto, the GSLP / Liberals adopted the slogan which said, 'Culture needs to be nurtured,' Now that they are in office Gibraltar hopes that this promise will be delivered and, therefore, I take this opportunity to remind Government that it committed itself to provide things such as: facilities for teaching of music and instruments to young people; establishment and funding for a Gibraltar Philharmonic Orchestra; run a 'learn an instrument' campaign amongst young people; the establishment of an academy of the performing arts, administered by an Arts Council; the refurbishment of the Inces Hall area, and through which they would enclose the patio in a modern way to allow its use even in winter; and also to seek to establish Gibraltar as part of the touring circuit for UK and Spanish theatre productions.

1190 I therefore have to ask, Mr Speaker, when will these projects become a reality alongside their pledge to move the Housing Department out of the City Hall, and which building would then be exclusively used for cultural and historical events?

1200 Mr Speaker, the GSD still continues to recommend that the Government archives be transferred into a refurbished *ex-Chronicle* printing works building next and adjacent to the Garrison Library, so that together they may operate as a modern, well-resourced Gibraltar archives and reference/research facility, including digitalised searchable data. I know the Minister has just made some reference to the future digitalisation of data and I hope that he will take on board my recommendation and give serious consideration to its location alongside the Garrison Library.

1205 Updated legislation for the management and preservation of our heritage, and the listing and preservation of buildings, still needs to be completed. In this respect, work was already at a rather advanced stage, whilst the GSD were in Government, and drafting had been undertaken in close consultation with relevant experts and, of course, the Gibraltar Heritage Trust. It is now up to the present Government to complete drafting this legislation and this is something which the community hopes will be undertaken as soon as possible.

1210 The present Government, in my opinion, has acted rather responsibly in continuing to pursue UNESCO World Heritage status for Gorham's Cave, Vanguard Cave and the adjacent sites. Indeed, Mr Speaker, work in this respect had seriously commenced via the Museum Team during my own tenure as Minister for Heritage. Therefore, it is an honour for me to continue wishing the Museum Team all the best for the future in their ongoing excavations, which they do over the long, hot summer months at Gorham's and Vanguard Caves.



1215 Mr Speaker, there is widespread consensus across society and political parties in Gibraltar that our educational system is both our most important investment as a community and also a justifiable source of pride for a community of our size. Given this, the GSD believes that any significant changes to our education system and to our schools should only be made after a wide process of consultation between Government, teachers and parents.

1220 Therefore, the Opposition welcomes Government's recently announced plans to transfer both St Bernard's First and Sacred Heart Middle Schools into newly purposely refurbished buildings, which were once part of the old St Bernard's Hospital. This project, as announced, is extremely similar to that which the GSD had developed to an advanced planning stage and which would have seen the light of day had we been returned into office.

1225 There had already been a high level of consultation between we in Government and the Gibraltar Teachers' Association, in respect of this project, and the only major deviation to what will finally see the light of day seems to be that, whilst we would have also transferred St Bernard's Nursery into the new site, Government has confirmed that the nursery will remain in its present location – albeit continuing to fall under the direction of St Bernard's First School Head Teacher. Projects which help to enhance educational services, will always be supported in principle by the Opposition and, therefore, we wish teachers and pupils alike all the very best for the future in the move to the new school.

1230 I wish to take this opportunity to recommend to Government that it looks into, again through a consultation process with teachers and parents, the possible desirability of the following: (1) the establishment of a co-educational sixth form college, in order to best offer as a wide a range of Advance Level subjects to both sexes and also as a further means of preparation towards co-educational university life; (2) a review of the geographical distribution of our first and middle schools to better suit our changed and future changes to catchment areas. It is, Mr Speaker, important that we plan ahead whilst still in the design and construction phases of new housing estates. The review should include updated assessments of the optimum locations and/or relocations of schools, even the College of Further Education and, my just mentioned possible creation of a sixth form co-educational college.

1240 (3) We believe the teaching profession would welcome the establishment of an independent unit to assess educational standards and school performances; (4) a detailed programme should be embarked upon to ensure that our less academic children, who may not necessarily follow a full range of GCSE examinations, obtain as good as possible and relevant education programme to prepare them for future adult working life; and (5) greater inclusion of Gibraltar history and other aspects of Gibraltar in our schools' national curriculum.

1245 Given that substantial sums of money have already been paid in respect of consultancy fees, Gibraltar patiently awaits to hear of the concrete plans for the establishment of a university in Gibraltar and, of course, this should include the range of curriculum and costs. The Minister for Education has recently said that he hopes to make announcements, in this respect, during the course of the year, so I shall wait until then before making any further comments in this area.

1250 We welcome the announcement by the Minister of Education that, as from this coming September, students at Bayside School will be able to receive further tuition so as to re-sit public examinations they may not have successfully passed upon completion of Year 11. This will put them in a position just as their counterparts at Westside School. However, we would also welcome the implementation of Government's pledge to provide a Second Chance Education Programme through the establishment of their promised National Institute of Adult Continuing Education as soon as possible.

1255 Mr Speaker, at last year's Budget session, the then Minister for Housing announced that among his priorities Government would be reforming the Housing Works Agency, inclusive of how its services were discharged and directed. Although I have asked for details of progress in this respect during the course of the past year, Government has still not signified, in a meaningful shape or form, how it intends to reform said Agency. All that has happened so far is that an ever-increasing number of home refurbishments are contracted out to private companies without going through any type of accountable tender process. Staff members employed at the Housing Works Agency continue to be reduced, so does this mean that what the future holds is that all refurbishment works will simply be allocated to private contractors, without being subject to an adequate competitive tender process?

1260 Will the Housing Works Agency be simply run down through natural retirements, despite the existence of an agreement with Unite the Union, to the effect that staff levels would be replaced in future with one new employee employed by the Agency for every two who retire?

1270 The GSD worked hard in consultation with Unite to reform the old Building and Works Department and its transfer into the Housing Works Agency. This project provided brand new workshops and depots, and, from its origins, delivered vastly improved services to Government tenants. Therefore, Mr Speaker, the question now is, what plans does Government have for the Housing Works Agency and its employees?

1275 Like the Opposition, Government, I believe, knows there are many excellent craftsmen and professionals within the Housing Works Agency. So I must stress that it is important to ensure that the

1280 correct and proper administration procedures and resources are in place for housing maintenance and repairs to be carried out properly and in a timely manner. Therefore, it is regrettable to see that not only was the Agency's workforce reduced last year from a total of 160 employees to 146, but that again this year there are further cuts which will see the 146 now reduced to 139. Given the annual reduction in employees we must ask for clear answers, in respect of how will the Agency be expected to carry out its duties, more so with a promised increase in housing rental stock, if the Agency is not given the human resources required to meet workloads and targets?

1285 At last year's Budget session, Government announced that one of its major priorities was, 'Commencing the construction of co-ownership and rental housing schemes'. We know from answers given at Question Time that consultancy fees have been paid for projects pertaining to the building of new homes but, regrettably, no actual construction of any type of home has commenced. So far we simply know that some 1,000 homes are planned to be built and sold mainly on a co-ownership basis.

1290 In this respect, I urge Government to ensure that any new homes eventually built do not suffer from numerous defects, as history shows was the case in the construction of co-ownership homes when the GSLP were last in office. Quality in construction of homes should not be compromised under any circumstances.

1295 Under their section dedicated to Youth, the GSLP/Liberal manifesto states that young people who are entitled to housing will not wait more than three years for a home. Given that there are presently a large number of young persons registered as applicants seeking their own homes, I must ask on their behalf for a firm date of when Government will deliver on this promise.

1300 The Opposition is glad to note that Government is committed to the refurbishment of existing Housing Estates. The GSD, whilst in office, carried out a major refurbishment of Varyl Begg Estate, which included re-roofing and lift installation, and even commenced refurbishments at Alameda Estate. Our manifesto commitment also indeed included further refurbishments at Moorish Castle, Glacis and Laguna Estates. Therefore, we are pleased to note that Government did eventually listen to tenants concerned and modified their respective refurbishment plans so as to abandon the building of additional floors on these last mentioned estates. Again, I stress my advice to Government that monitoring of the quality of refurbishment works becomes a priority; after all existing tenants in rental estates deserve nothing less.

1305 At the last Question Session in Parliament, the Minister for Housing gave a brief rundown of measures that will be taken to ensure house rules are adhered to in Mid Harbours Estate. The Opposition will always be supportive of sensible action taken by pertinent authorities in this respect and highly recommends that house rules be revised and updated where needed in respect of all Estates. I strongly urge this as the vast majority of tenants are decent law abiding citizens and deserve all the support they can get to ensure that their homes and surrounding areas are decent and worthy places of abode. We are willing to work together to ensure that anti-social behaviour is stamped out and it does not become the norm within any housing estate.

1310 Once again, Mr Speaker, I stress the importance of close workings with tenants' associations before any projects are finalised. As Members of Parliament, I consider it our collective duty to listen to what our electorate wishes for and I hope that this really becomes a reality in respect of all housing matters.

1315 Mr Speaker, given all Government has said and promised in relation to the provision of new homes, I wish to end my contribution today by simply saying enough has been said by both sides of this House: now let's deliver the housing project. *(Banging on desks)*

1320 **Mr Speaker:** We will now recess for 20 minutes.

*The House recessed at 5.30 p.m. and resumed its sitting at 5.45 p.m.*

1325

**Photograph taken in Chamber without permission  
Ruling by the Speaker**

1330 **Mr Speaker:** Hon. Members, my attention has been drawn to the fact that a member of the public in the Strangers' Gallery has taken a photograph of this Chamber using a mobile phone, and has in fact taken that photograph at four minutes past five o'clock, when the Hon. Steven Linares was speaking. The photograph was taken at an angle which appeared to show that he was the only Minister on the Government benches, when in fact behind him were both the Hon. John Cortes and the Hon. Samantha Sacramento.

1335 Apart from putting that photograph in the public domain, the person concerned tweeted a question, 'Where are the Government Ministers?' The Government Ministers were in the Antechamber, which is very often the case. Members on both sides of the House are sometimes required to attend to business –

Government business in particular – because the world does not stand still while we are meeting here in the House.

1340 I wish to make it clear that photographs taken from the Strangers' Gallery are not permitted without the permission of myself, the Speaker, and that, in fact, what has happened could be perceived as being a breach of privilege of Parliament. Therefore, it is not to be repeated. Because if it is repeated, any person concerned could be brought before the bar of this House.

1345 There are notices that are going to be put immediately in the Public Gallery, making it clear that those who are here as our guests, who attend in the Gallery as our guests, are expected to switch off their mobile phones; and that tweeting from the Strangers' Gallery, as I say, could be perceived as a breach of privilege. I hope that I make the position clear and that there will be no repetition.

Needless to say, no action will be taken on this occasion.

1350 The Hon. Mr Netto.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, could I just come back...

**Mr Speaker:** Yes, the Hon. the Chief Minister.

1355 **Hon. Chief Minister:** Mr Speaker, I am very grateful. I think I speak for the whole House when I say that strangers are very welcome here and that, if we are not sufficiently setting out what the Rules of this place are, then we must in a way that people understand what it is that they can and cannot do in this place.

1360 But that they should not be deterred from coming here simply asked to abide by the Rules that apply to... in fact, to all of us, because, similarly, we are not able to photograph each other across the floor of the House, or tweet photographs. Although, I think it would be an issue for perhaps the Committee on Reform to consider whether tweeting from the Chamber and even from the Strangers' Gallery, so long as one does not tweet a photograph of the proceedings, is within or without the Rules.

1365 But I am grateful to you, Mr Speaker, for having set out clearly what the Rules are for the benefit of anyone who may be watching, listening, or who may be in the Chamber in the future.

**Appropriation Bill 2013  
For Second Reading  
Debate continued**

1370

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

1375 **Hon. J J Netto:** Thank you, Mr Speaker.

It is with great pleasure that I stand to deliver my 18th Budget address – this time with a different portfolio to the one I had last year. On this occasion, I will be covering the subjects of environment, utilities, and Health and Safety.

1380 Commencing with environment, my first observation is that I would like to highlight some of the good work that has been done during the last 18 months or so, since the Government has been in office.

My congratulations to the Minister for continuing to recruit more staff at the Department of Environment, in order to continue the GSD policy of developing existing services, and indeed to be able to move into new ones as well.

1385 The good thing is that he has not had to start a Department from nothing, which is what the GSD inherited from the GSLP Government; also the fact that there is more money available this financial year to the Ministry, thereby enabling them to develop further. Here too, the Minister should again be grateful to the GSD Government for the fact that the actual expenditure in the last full financial year of the GSD Government, during 2010-11, was £14,089,026; something that did not exist with the GSLP Government before; quite extraordinary, given the constant rubbishing of Members opposite to the legacy inherited.

1390 It is heartening too, that some good lessons have been learned by the current Government from the GSD to ensure that the Department continues to be properly resourced and from which to grow, particularly when the economy is so good, thanks to the stewardship of successive GSD Governments.

1395 One such example of continuation of policy of the current Government from the GSD, is the updating of the Environmental Action Management Plan, which from time to time should be kept abreast of constant changes in society. This is a document that I will certainly take the time to study and, if necessary, raise any question during the new financial year that may be necessary.

I would also like to congratulate the Minister for having commenced with a programme to install the solar thermal panels in Government buildings. This is something to be welcomed and encouraged; the more renewable energy we can harness the better for everyone. I do hope that, further to my question on

1400 this matter at our previous session in Parliament, we do see a more structured rolling programme for the installation of renewable energy technology on public buildings where this is feasible to do so.

Also to be welcomed is the measure announced yesterday by the Chief Minister in relation to the availability of soft loans to the residential estate for the funding of projects powered by solar energy. Equally too, the various participation of staff members of the Department in conferences abroad, which  
1405 provide an excellent opportunity to our staff to engage with other colleagues in discussing and developing a more holistic approach to the environment globally, is to be welcomed.

Mr Speaker, at last year's Budget speech, the Hon. Minister for the Environment said, and I quote, 'There is now scarcely a Government activity of significance that does not go through an Environmental Filter,' he then went on to say, 'how things have changed'. Indeed, Mr Speaker, things have changed. I do recall when the Minister, in his previous capacity as Government adviser, brought to the attention of the GSD Government various concerns with projects, due to the fact that there were birds nesting within the vicinity of the project. As was the case in the coach park and the stabilisation works on the cliff face by Little Bay and by the new crematorium. On all those occasions, due to the Hon. Mr Cortes' advice to the GSD Government, the work stopped for months until the chicks were old enough to leave the nest and  
1410 move on, and rightly so.

Today, thankfully the new Government has ticked the box and we have an Environmental Filter to ensure that Government activity is scrutinised through the filter. The problem with the new filter is that, when it comes to Government projects, the filter gets clogged up and does not work. This is what happened with ancillary works to facilitate the floating hotel at Ocean Village. Here, instead of using the filter before the work started, he ploughed ahead regardless. *Hansard* will show that when I raised various direct questions to the Environment Minister at Question Time, it was the Chief Minister who responded with evasive answers, in order to provide cover for his Minister. It is a shame the Minister did not adopt the same attitude on these projects as he frequently used to when he was the Government Adviser to the GSD Government, without having the filter.  
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Today, despite the fact that there is supposed to be an Environmental Filter, inter-ministerial meetings and open meetings of the DPC, the Environment Minister has been ducking and diving on this issue because he knows that his silence on this matter has been to the detriment of the environment and especially to the endangered species in the vicinity of the works. Mr Speaker, it is incredible how things have changed in such a short period of time. (A Member: Hear, hear.)  
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In a recent exchange of correspondence on the issue of the two protected species in the vicinity of Marina Bay, where the floating hotel is to be housed, the Minister's response has been evasive. Firstly, he does not address the issue that work commenced before the screening report was done, less still made public. In his latest correspondence, the Minister has informed me that town planners, after having assessed the details of the project, determined that this was not an EIA project.  
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I would challenge the Hon. Minister to demonstrate on what grounds the Town Planners have decided for this to be so. The current civil engineering works at Ocean Village Marina should either be classed as a List 1, in which case a full EIA should have been commissioned, or a List 2 development under the Town Planning (Environmental Impact Assessment) Regulation 2000. I would therefore ask the Minister to provide me with the relevant documentation regarding the Town Planners screening opinion and also ask for the relevant environmental statement that should have been produced for the application of planning permission, as stated by part 2, section 8, of the Town Planning (Environmental Impact Assessment) Regulation 2000.  
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Even at the meeting of the DPC of 25th April, the Members of the Council did not know then that this was a Government project and when a Member of the Council asked the inconvenient question to the Minister, if there had been discussion between the Government and the owners of the floating hotel, a most annoyed Environmental Minister responded by saying, 'This is not the place to discuss such a matter. If you need to know what has been said, we will discuss it in another place.'  
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I know the Minister might be getting a bit hot under the collar, but this is what happened.  
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Secondly, the Minister is not willing to provide me with copies of the Nature Conservancy Council where this issue is supposed to have been discussed. I would also point out that, even though in his correspondence dated 20th June, the Hon. Minister states, and I quote, 'All the necessary studies and assessments that have been undertaken to date, have not highlighted any issues that would prevent the project from being realised', the public and the Opposition have yet to see any single documented study or assessment backing up these claims, despite my repeated attempts to obtain them.  
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I need not remind the Hon. Minister that under the Freedom of Access to Information on the Environment Regulations 2005, this should be provided on request. In any case, what has the Minister got to hide? Also, given the Government mantra of the precautionary principle on the environment, why has this not been applied to the EIA?  
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Thirdly, in his letter he implies we should trust his assumptions without hesitation. However, we, as the Opposition, must insist that all relevant documented records relating to the wellbeing of critically endangered species are made public, to ensure accountability in the event of any unforeseen negative  
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1465 impacts. We must also question what the long-term implications are of having a cruise liner docked in a small boat marina where there might have to be regular dredging of a navigational channel, in the event of emergencies, which lead us to further question what environmental impact this will have. Will a silt curtain be permanently employed and who will pay for all of this? The taxpayer? The Minister has to understand that the Government has not behaved in an environmentally friendly way and the Minister appears to have given into the pressure of his Government colleagues to the detriment of the environment.

1470 Mr Speaker, last year I did not have the shadow responsibility that I have today. That said, there were a number of important statements made by the Minister for the Environment that need to be monitored during the course of the current financial year. This refers to how the Government has taken forward the consideration of the Epidemiological Study Report and if so, how, in any material way, this has shown any new data that might affect negatively the quality of the air we breathe; also, what specific local action plans and forecast there will be for the meeting of European targets for renewable energy by 2020. Also clarification as to whether the Department has now concluded the detailed requirement of a purpose built environment park and, if so, where will this be and what different waste streams will be disposed by the public?

1480 In relation to air quality, I would be interested to know if the Environmental Agency has commenced measuring black carbon and radon levels within Gibraltar and, if so, what results this is possibly having on public health? Another important topic in this area is the modelling results from the monitoring station on trichloroethylene and tetrachloroethylene, given the risk of cancer types and whether this information would be used in conjunction to the development of the Epidemiological Study the Minister alluded to in his last year's speech.

1485 Mr Speaker, turning to the important subject of fishing in our territorial waters, it should be pointed out that we find ourselves in this situation because of the cavalier way of the Minister of the Environment, when he stated on Facebook that the Government was tearing up the 1999 Agreement. It should be noted that the idea for a fishing report was not originally initiated as a result of looking into the conservation of fish stocks in the bay and its consequent management, but rather as a tool to fish out the Minister from the hole he had submerged Gibraltar in, as a consequence of his Facebook blunder. (A Member: Hear, hear.)

1490 Yet, be that as it may, it will be recalled that the Government has had a copy of the Report since December last year. During parliamentary questions and answers, the Minister of the Environment said that the Government could not provide the Opposition with a copy of the Report, because it needed to be formatted, but that it would be published shortly. Six months passed and it was as a result of the ridiculous position adopted by the Government that eventually they had to publish the Report, given that the public opinion was dismayed by the fact that the Government was acting so secretly on this issue.

1495 Whilst the Report appears to represent a detailed analysis of matters as wide ranging as, for example, fishing stock, information relating to this, the relevant history and EU and International Convention, the important and 'elephant in the room' issue for the public, is whether they intend to allow Spanish fishermen to fish with nets. It should be said that on three times the Minister was asked by GBC reporter Stephen Neish whether the Government will change the law to allow fishing with nets and on three times, the Minister refused to answer. (A Member: Shame.)

1500 The GSD's main and immediate concern now, as Gibraltar's elected Opposition, is that Gibraltar's interests are fully safeguarded. In this connection, it is imperative that a quick solution to the uncertainty, which currently prevails, is resolved without further delay.

1505 There is nothing in the Report, the Government statement or the Minister for the Environment GBC interview in the immediate aftermath of the publishing of the Report, that leads the Opposition to believe that a permanent solution is to be found soon, unless the Government is waiting until after the by-election. This matter requires a prompt solution because, as previously stated by the GSD, there are issues much wider than the environment, at stake. We have no fishing industry, but what we do have, which is worth protecting, is a stable political environment which will allow our community to prosper economically for the benefit of our citizens. (A Member: Hear, hear.)

1510 The GSD, therefore, takes this opportunity to restate its position that the Government will therefore count on the Opposition's full support if it makes sensible proposals to resolve this matter once and for all.

1515 Mr Speaker, in relation to the increase of incidents of conflict between macaques and humans, what we have had from the Minister for the Environment is more of the same tired rhetoric that has now become the norm. On the one hand, always blame the GSD for any problem; this, despite the Hon. Minister being directly involved with the management of macaques for the last 20 years or so.

1520 The other standard tactic is to hide behind science; one would have thought that given the Minister's qualification, the fact that he has written about macaques in some books, and the fact that he has been the previous Government's adviser, that by now he would be in a position to know what to do, and most importantly, do it for the benefit of everyone whose life is being blighted with the nuisance of this saga, without having to hide behind expert advice.

1525 The predicament the Minister faces today is that, in his previous position he agreed for the culling to take place as a method of last resort, but this is no longer available to him because of the utterings of the Chief Minister when he was in the Opposition, who described the culling of macaques as murder – much to the delight of animal rights organisations abroad, which threatened to target our tourist product if any culling continued.

1530 **Chief Minister (Hon. F R Picardo):** Killing... I used to call it killing.

**Hon. J J Netto:** Mr Speaker, the reality is that culling is a necessary measure of last resort and, for many of the people whose daily lives have been blighted by this problem, it is a measure which the Government should consider implementing very soon indeed.

1535 If this is accepted, as in the case of seagulls and in the UK with deer where the culling is in the order of three quarters of a million, then it should be accepted here. Unfortunately, exportation has failed for the last 18 months of the Government and all we have is the hope that the new method of contraception, to be introduced, will reduce the population of macaques.

1540 In 12 months from now, we will see if the new methods are successful in reducing the number of monkeys and if they are, then I will be the first to congratulate the Minister. (*Laughter*) But if the problem persists, then... Well Mr Speaker, I do not know why the Chief Minister laughs, I mean I have congratulated... I know he is getting very nervous and he needs to relax and calm himself down and listen to the rest of the speech without having to get so uptight about it (*Interjection*) and perhaps show some respect to people who are giving a speech. (*Interjection*)

1545 As I was saying before I was so rudely interrupted, Mr Speaker, in 12 months from now, we will see whether the new methods are successful in reducing the number of monkeys and if they are, then I will be the first to congratulate the Minister. But, if the problem persists, then the Minister would certainly have run out of excuses. Worse than that, it will mean that through his unwillingness to tackle the problem, he will be responsible for the misery brought to the many people whose lives are being wrecked, not to mention any serious incident that may happen due to his inaction.

1550 Mr Speaker, in relation to the proposed new permanent power station, clearly the Opposition still needs to have access to the EIA documents, in order to raise comments with a measure of knowledge of the subject and with some authority. Notwithstanding that, and the fact that this new process comes 18 months too late, we still have some concerns with the location of the site. We believe that to place a power station adjacent to housing estates and the airport runway is not an ideal location. The inconvenience and the potential for accidents would always be greater if anything were to go wrong. The Opposition still needs to know how the Government intends to transport the gas and store it within the vicinity of populated housing estates. The logical and sensible thing would have been to move the proposed station to another place less dense, within an urban environment. There was certainly no reason to move away from our plans to locate it in Lathbury Barracks.

1555 Mr Speaker, on the issue of hybrid alternative energy vehicles, the Government should be congratulated for the policy introduced last year on the reduction of levels of duty placed on the purchase of new environmentally friendly vehicles. This was a good initiative that needs to be welcomed and one where we hope that, with the passage of time, more and more people will be incentivised to buy this type of vehicle for the good of our environment.

1565 Mr Speaker, in my speech last year on Health and Safety, I criticised Minister Balban for not developing policies on Health and Safety. This responsibility has now been passed to Minister Bossano, who I note is neither in the Chamber nor in the Anteroom to listen to my address. (*Interjection*)

1570 Judging from the two sessions (*Laughter*)... Judging from the two sessions of parliamentary questions so far, he has adopted his habitual tactics of ambiguous, long-winded and meaningless answers to the subject matter of Health and Safety, often playing to the Gallery rather than attempting to provide Parliament with reasonable answers to reasonable questions. It is a scandal that the Minister for Employment, Training and Health and Safety, does not know, or care for the fact that trainees from his flagship scheme, the Future Job Strategy, while placed with so-called training providers, what their training is, or whether such trainees do get basic awareness on Health and Safety courses when placed in a firm. His answers to Parliament are riddled with evasive statements, which is surprising, given he has a duty of care to young trainees within the working environment he has placed them.

1575 At last week's Question Time, the Minister contradicted himself. On the one hand, he stated that the training centre at Landport Ditch was closed by him when he was the Chief Minister because all it did was produce boy labourers. This is not the case; what the training centre produced for decades was fully fledged, four-year City and Guilds apprenticeships in plumbing, carpentry, painting and masonry.

1580 Secondly, he contradicted himself because, on another question, he said that having analysed the skill needs of employers in the construction industry with regard to work trades, what the employer wants is the all-rounder trainee who is able to do plastering, tiling and bricklaying. Well, if it has taken the Minister more than 20 years to know such a basic need of employers, why did he then close the training

centre and move them to the Vocation Cadet Training Scheme, which the Minister for Employment introduced when he was the Chief Minister.

1590 Mr Speaker, neither with the previous Minister for Health and Safety or the present one, is there any semblance of a coherent policy, structure, or programme for the development of Health and Safety. Indeed, after having heard the Minister for Health and Safety, Mr Bossano, he has not even uttered a single word on this subject at all in his Budget contribution today.

1595 When I have asked for details of statistics or audits conducted, the answer given is, 'No, we will not give you the information'. When I have asked if they will provide the names of the companies that have breached the Health and Safety legislation, the answer is, 'No, we will not provide you with the information', despite the fact that this is available in the UK by searching the Health and Safety Executive website for UK employers.

1600 When asked if all Government Departments, Authorities, Agencies and Government-owned companies have available an accident book, the answer is, 'The answer is the same as it was when we got into Government'. The Minister here is not even prepared to tell his officials to send an e-mail to all Heads of Departments and Chief Executives, requesting to know what the situation is; a clear example of the attitude that he could not care less.

1605 When I have asked the previous Minister for Health and Safety to introduce courses on Health and Safety for young trainees moving from schools into the world of work, I was told that it was not necessary to do so. When I have asked the current Minister for Health and Safety how many Health and Safety committees exist in Government Departments, Authorities, Agencies and Government-owned companies, the answer was, 'None, as was the case with the previous Government'. Once again, the Minister does not know what he is talking about; given that in the Health Authority there is one which was constituted in the previous GSD Government.

1610 When I have asked how many codes of practice have been done since getting into Government, the answer is, 'None'. When I have asked why the Factory Inspectors and the two seconded Health and Safety officers spend most of their time within the construction industry group, the answer is, 'Because new sites appear continuously every day'. The irony is that such a response is not supported by the new statistics within the Employment Survey for October 2012. It should be noted that, between October 2011 and October 2012, Gibraltar has lost a total of 1,426 jobs in the construction industry. Everybody acknowledges that the industry is in difficulty and the Hon. Minister for Employment Mr Bossano seems to be the only person in Gibraltar who is not aware of this.

1615 But it gets worse. When I have asked the Minister for a breakdown of the hours spent by industry group and office work by the Factory Inspector and the two seconded Health and Safety officers, the Minister, in his usual way responded that he will not provide me with the information requested.

1620 Mr Speaker, at the last Workers' Memorial Day celebrated in the Lobby of Parliament downstairs, the trade union official, in his speech, stated among other things, the lack of annual reports and statistics in Health and Safety. While this was being said, the Minister for Health and Safety, Mr Bossano, kept nodding his head in agreement with the words of the union representative. Yet, when I have asked the Government if they intend to re-introduce annual reports, firstly to the previous Minister, he used to say that they had to buy a suitable computer software programme in order to do so. It took the previous Minister some 15 months to find out that the software programme is unable to do what it was envisaged it would, as a result of my request. Today, with the new Minister for Health and Safety when asked if the annual report is likely to resume this year, he stated, 'No', with great laughter.

1630 Mr Speaker, if this is the new dawn that was promised to the electorate at the last General Election, then what we have had is a continuous thick cloud of clammy levanter afflicting Government Ministers dealing with Health and Safety, paralysing them from any positive progress on Health and Safety for the benefit of employers and employees. What I will not do again is repeat my last year's address, where I stated what is required to do for the benefit of Health and Safety. If the Government is interested in what I said, they can look it up in *Hansard*. What I will have to say to the Chief Minister though is for him to show leadership, remove the current Minister from the Health and Safety portfolio and put there someone who is keen, enthusiastic and able to advance Health and Safety in Gibraltar.

1635 Mr Speaker, as always in my Budget addresses, I would like to give my thanks to the staff in Parliament for their guidance and help throughout the year. Thank you very much, Mr Speaker. (*Banging on desks*)

1640

#### ADJOURNMENT

1645 **Mr Speaker:** I now invite the Chief Minister to exercise his right to reply.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House adjourn now until Thursday 27<sup>th</sup> June at 10.00 a.m.

1650 **Mr Speaker:** I now put the question, which is that the House will now adjourn until Thursday 27<sup>th</sup> June at 10.00 a.m.

Those in favour? (**Members:** Aye.) Those against? Passed.  
The House will now adjourn until Thursday at 10.00 a.m.

1655

*The House adjourned at 6.17 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.05 p.m.

Gibraltar, Thursday, 27th June 2013

## The Gibraltar Parliament

*The Parliament met at 10.00 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

## Order of the Day

### BILLS FIRST AND SECOND READINGS

#### Appropriation Bill 2013 For Second Reading Debate continued

**Clerk:** Sitting of Parliament, Thursday, 27th June.  
The Second Reading of the Appropriation Bill continues.

**Mr Speaker:** The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, after well nigh on two whole days of speeches on the Appropriation Bill, six of them from front bench Opposition Members and one from the hon. the backbencher, I think I and everybody else in the community can tell that the palpable desperation of Members opposite, which was evident in the days before the last General Election, is still far from  
10 dissipated, and days before the coming By-election is becoming more and more evident again.

And I can understand why, Mr Speaker.

You see, Mr Speaker, there is a well known notion in military parlance, that attack is the best form of defence, and we have seen a whole lot of attacking from the Opposition benches. Some of it was not even elegant attacking; some of it was just name calling of the worst sort – people being called petty. That is

15 the sort of level to which the debate was allowed to descend by the Leader of the Opposition in marshalling his troops for this debate.

So in applying that military maxim, if attack is the best form of defence, if this was a defensive strategy, then it is because obviously Members opposite have a whole lot of defending that they needed to do. Let me tell you and the public, Mr Speaker, why it is that they had to do so much obvious defending.

20 It is obvious, Mr Speaker, that Members opposite have wanted to turn this debate on the By-election, this debate on the Second Reading of the Appropriation Bill, into the same arguments that we ran at the time of the General Election, with a second theme which is that any success, any economic success of this Government must reflect economic success of the Government of Gibraltar up to 8th December 2011, and any health of public finances today must reflect health of public finances as at 8th December 2011.

25 And the theme is developed, Mr Speaker, by talking about a 'Big Lie'. Now, of course, lying is not something that one talks about in this House. It is not parliamentary language, but hon. Members have been deploying the concept of the Big Lie during the course of their campaign and referring to it in the context of their speeches, but not calling us liars; simply referring to the Big Lie. So fair enough, that is the sort of language which is now acceptable, as long as we are not calling each other liars and I think that is absolutely appropriate.

So, the whole argument is the Big Lie was developed by the now Chief Minister, when Leader of the Opposition, in telling people that debt was too high, and that public finances were not sound. *They* say, as part of their theme, public finances were healthy when the GSD left power and that, therefore, is the Big Lie. And they say that the evidence that this was a Big Lie is the health of public finances today.

35 Okay, well, they would say that, wouldn't they? They have got no arguments left!

They said it last year during the course of this debate. In fact, the whole debate last year was based on that premise as far as they were concerned. They said it again this year and although it is boring and repetitive and our people deserve better, that is about all that the GSD can dish up these days, trying to re-run the argument that they lost in December 2011.

40 Well, I am surprised that they wanted to run that argument for a second year running and on the eve of a By-election. It might have been the easy way out of writing speeches, to challenge what is *undoubtedly* the best Budget in Gibraltar's history, and if you have nothing left to say, attack is the best form of defence. But now that they know the reality of the health of public finances today, and the powerless state of public finances on 8th December 2011, I am surprised that they were lazy enough to go for that tactic and not be a little bit more imaginative. At least they made my job easier, when deciding how to reply to their remarks.

45 You see, Mr Speaker, even the Members opposite who were not in Government up to the 8th December 2011, and did not make it through the glorious new dawn of the morning after, even those, even the rookies, even the new boys, they now know the reality because I took them through it step by step last year; because it is black upon white in the Estimates Book that they tried to ignore.

50 They have seen the transformation of the figures – if they have looked at the figures, because as I will say when I come to deal with Mr Figueras's intervention, he did not mention one number! He did not talk about one figure in the context of a speech on the Appropriation Bill. So look, it may be that he did not look at the Book, he did not look at the schedule to the Bill that we are discussing. But the others I assume did. At least the Leader of the Opposition did us the courtesy of doing an analysis, however flawed I may believe it was, of the figures.

55 So they cannot pretend, Mr Speaker, that they do not know what the numbers are and that they have given their speeches in ignorance. They cannot pretend that they trusted Sir Peter Caruana to tell them what the figures were, because they have got an obligation as Members of this House to look at the schedule to the Bill, which is the Estimates Book. And if they have got memory, they will remember what I told them last time. Even if they want to disregard everything I said during the General Election campaign, they must have heard what I said in my speech last year when I introduced the Bill; in my speech last year when I replied to them; in my speech this year when I introduced the Bill – although of course, as the Leader of the Opposition said, nothing I said was going to change what he had to say. Of course not, he came with a prepared text and I could have said, Mr Speaker, that Gibraltar had staked £1 on the Texan lottery and we had won \$2 billion and all our problems were solved; the Leader of the Opposition was going to give the same speech that he turned up with in his prepared text.

60 But they have all heard the arguments, and so one has to assume that knowing the arguments, they had to somehow find a way around this brilliant Budget. And the only way that they could do that was to concoct a ruse, a ruse that gives them a way around the brilliant Budget, something of a deceptive narrative that is going to be enough to paper over the cracks and not result in a complete demolition of support for them at the next General Election.

70 This is an exercise in simply trying to stay alive on Polling Day next week. It is no more than that. It is not trying to win; it is simply trying to stay alive.

75 Well, Mr Speaker, because with the figures available, the general public – not that many would be interested – but the general public if they are interested in looking at the numbers – will see that this is just a ruse, a deception. Well, their game is up, Mr Speaker. This is the end of the ruse.

You see, Mr Speaker in the context of the speeches that we heard, Mr Feetham said that he was going to demonstrate things, but he did nothing of the sort. He just argued his way around figures.

80 Then Mr Bossino said that he was going to prove things. I did not see him prove anything. I heard him try and develop an argument around very difficult figures that were a poison chalice obviously. How can you deal with the largest ever increase in Gibraltar's unemployment in history, when you are representing the party that only brought 22 new jobs for Gibraltarians a year into our economy, when one of the giants of Gibraltar politics has managed to create 524 in one year? It did not prove anything. It did not demonstrate anything in their arguments.

85 But as usual, Mr Speaker, I will be different. I *will* demonstrate things during the course of this reply to their arguments and I will demonstrate it with documentary evidence. I will put things beyond argument. Not just with the Estimates Book that they have chosen to ignore, because few people will look at it and they have banked on that Mr Speaker. They have banked on the fact that members of our community are not going to look at the Estimates Book – although I am going to try and take them to one particular figure there now – so that they could argue whatever they liked.

90 But I am now going to demonstrate, prove, evidence, using evidence from the Treasury and from the Ministry of Finance, that the GSD left Gibraltar and its public finances in the most *parlous* situation imaginable. I will not make an argument. I will not try to persuade them. I will demonstrate the position to this House and to the general public, so that they know what they are dealing with. And when I do that, Mr Speaker, I will not have debunked the argument that the Election was a Big Lie; I will have demonstrated *who told the lie*.

95 Now, Mr Speaker, because there is very little original thought on the benches opposite, the concept of the Big Lie, as you know better than us, is one that comes from the early 1970s in an election held then, the 1972 election – an election which will become relevant again when I reply to Mr Figueras – but it was actually the winning side that demonstrated that a lie had been told about them – a winning side with which Mr Speaker will have a great affinity, I believe it was his first entry into Parliament.

And that is what I am going to demonstrate today: that the Big Lie has been told about us by them, Mr Speaker.

105 So, without further ado, let us do the debunking of the demonstrating, the proving and the evidencing.

So okay, we said during the General Election campaign – I started saying it here through the Budget debates of 2011 – that Gibraltar's net debt was too high and we said that gross debt was too high. The Hon. the then Chief Minister, now the backbencher's argument was that the measure of debt was such that it was not too high as a ratio of GDP and that was his argument. People could take it or leave it, they had a choice, this is a democracy. Up to there, arguments based on published numbers.

110 Then we are elected and I find myself in a situation where I have to make an address to the nation, a Ministerial Statement to the nation, in early January 2012. Mr Speaker, they mocked that Ministerial Statement as *much* as they could. They talk about me putting on a solemn face, they do everything possible to try and make people think that what I said there should not be relied on.

115 And Mr Speaker, sometimes it is apposite to remind hon. Members that I do some things as Leader of the GSLP and I do some things as Chief Minister of Gibraltar. I did that Ministerial Statement as Chief Minister of Gibraltar, not as Leader of the GSLP. I was talking to *all* our citizens and for *all* our citizens.

I told our people then, to illustrate the state of public finances when we took over, that the notion of a golden legacy left by the GSD is just completely *untrue*.

120 I am going to do an analysis of the legacy that the GSD left Gibraltar on 8th December 2011, when I deal with Mr Bossino's intervention, because he is the one that seems still so much in the thrall of Sir Peter, that he still feels he needs to talk about what a great job he did, despite the obvious betrayal at the Leadership election time.

125 So anyway, how is it that I can demonstrate that the economic legacy, the public finance legacy, was not a golden legacy; that there was not enough available cash reserve to meet outgoings for that financial year without more borrowing?

130 Hon. Members will no doubt have had their spies, as we had ours, following us round the estates to hear what it was that we had to say, and I said during the course of the 2011 General Election Campaign, that if hon. Members opposite were elected, they could not carry out anything in their manifesto, other than by increasing debt.

I used to put it very succinctly Mr Speaker, I used to say the way that they are going to finance their manifesto is D-E-B-T – *debt*. I used to spell it out, Mr Speaker, in case people still did not manage to grasp it. My goodness, Mr Speaker, was I right or was I right!

135 But how can I demonstrate it, Mr Speaker, beyond peradventure – not by making arguments as they do on numbers? How can I prove it in a way that puts it *beyond doubt completely*?

Well, it is very simple, Mr Speaker: I am today publishing memoranda from the Treasury that demonstrate the position as at that moment in time. Members of our community will no longer have to decide if they think Picardo is right or Feetham is right. They will not have to try and work out which side is dissembling or trying to distort figures. No longer will people have to think about whether they trust the GSD or the GSLP Liberals to have told the truth on this argument. It is too unfair on our people not to clarify the position beyond doubt. We have gone beyond that now. It is too important, Mr Speaker, because they have made this the central issue in the public debate, and their attempt to weave a web of deceit around this issue *must be now dealt with*.

So I have sought the consent, Mr Speaker, of the Financial Secretary and I am therefore taking the unprecedented step of immediately putting into the public domain two memoranda from the Treasury.

The first is a note prepared by the Financial Secretary himself, and dated 8th December 2011. The Chief Minister on that day, the day of the Election, was the Hon. Peter Caruana as he then was. It was not, as people might think, a day when there is not a Chief Minister; there is a Chief Minister on the day of the Election. In fact, even after the votes are counted, there is a Chief Minister until the new Chief Minister is sworn in. And the first memorandum that I am putting into the public domain, is dated *8th December 2011*.

The note sets out the exact position of public finances on that date. It is a snapshot of Gibraltar's public finances on that date, which the Financial Secretary has made available to me and which he puts on a file, I think very wisely, so that it is beyond argument that the position on that day, on the day of the Election, the day before potential takeover by a new Government, is set by him in effect in stone, and put beyond discussion.

A copy of it will be circulated to all the media in Gibraltar and made available on the Government's website so that the whole of our community can look at it. It is a one page document, Mr Speaker, and it reflects the Financial Secretary's calculations and his conclusions on that day, on the day that Gibraltar was voting, on the day that they were hoping to have persuaded Gibraltar that its public finances were stronger than ever, on the day that they were boasting of the health of our public finances, and this snapshot tells the real picture: a very, very, bleak picture indeed.

Because this document, Mr Speaker, reflects £20 million *only* on 8th December of available cash reserves.

Mr Speaker, in 1988, £20 million might have taken you a long way, between December and March, the end of the financial year. In 2011, £20 million in December, in mid-December, with the December payroll to go, and three more to go, with capital expenditure commitments of £87 million, rising to £100 million before the end of the financial year, on a Budget of £450 million, even Members opposite will be able to work out, £20 million would not have got us to the end of the financial year on 31st March.

Exhibit A: the Financial Secretary's note of 8th December.

Well, Mr Speaker, the second document is dated 13th December, five days later. It is a document, Mr Speaker, that I will remember for the rest of my life. I call it, Mr Speaker, the 'doomsday memo'. I do not think we had the opportunity of enjoying our first Christmas as Ministers, Mr Speaker, relaxing after an arduous election campaign, and settling in with our families for what might have been a celebration after 16 years of being in Opposition. Because this document, addressed to me, Mr Speaker, barely four days after I was sworn in as Chief Minister, less than 24 hours after the Deputy Chief Minister and I had assigned Portfolios to hon. Members on this side of the House, less than 24 hours after the first Cabinet Meeting of the new GSLP/Liberal Government, I receive the 'doomsday memo' from the Financial Secretary.

Of course, at that stage, I do not know about the memo that he has put on the file on 8th December.

And so Mr Speaker, I was not used, at that time, to receiving correspondence addressed to the Chief Minister. I almost felt as if I should send it to the Hon. Sir Peter Caruana at Irish Town. It is peculiar when you are first elected to receive letters addressed to the Chief Minister. For a moment, Mr Speaker, I wish it *had* been addressed to the Hon. Sir Peter Caruana, rather than to me. I wish I had not been the recipient of this memorandum.

The document in question, Mr Speaker, as I have said, also from the Financial Secretary, sets out the calculations done by Mr Dayaram Tirathdas on that day, 13th December – five days after 8th December. I do not stop telling them the numbers, Mr Speaker, because they obviously have an issue with numerology. *Five days later*.

He tells me, Mr Speaker, in that 'doomsday memo', that the *actual* figure of gross debt is £520 million – not the published figure estimated of £480 million, which is where the GSD had told us we were going to be in March 31st 2012; not that figure of £480 million which was anticipated, but *£520 million*.

And I recall, Mr Speaker, the Hon. Mr Keith Azopardi's face – I do not know whether they caught us on camera or not – during the course of the Leader's debate on the night of 7th December. Hon. Members will know that is the one Leaders' debate which they did not object to Mr Azopardi attending. They talk about being so democratic but they did not like people interfering with their Leaders' debates and in

2007, they prevented Mr Azopardi from attending that debate. In 2011 he was there, the hon. the now backbencher, the then Chief Minister was there and of course I was there.

200 And, during the course of that debate, hours before the polls opened, the Hon. the then Chief Minister said, ‘Oh and by the way, of course the gross debt is £518 million.’ I do not know what my face looked like, but I will always remember what Mr Azopardi’s face looked like, because both our faces fell.

205 There was a book published, that told the general public in an election year that the gross debt was going to go up to a *maximum* of £480 million by 31st March 2012, and it had gone up to £520 million on the day of the election – still four months away. Talk about spending being out of control!

210 Anyway, when one receives the ‘doomsday memo’ – I had been quite enjoying being Chief Minister for those 72 hours between the swearing-in and receipt of this! – there is one thing that just *lurches* out of the page. I did not know about the memo of 8th December, but in the memo of 13th December: ‘total available cash reserves, Chief Minister, to get you to the end of the financial year, Chief Minister, are £16 million.’ In five days, between 8th December and 13th December, useable cash reserves had gone down by £4 million. We had not even, at that stage, spent money on more wine gums for No. 6 Convent Place. (*Banging on desks*)

215 And there it is, Mr Speaker, black upon white, no room for doubt, no room for argument. The debate is no longer about which politician you can trust. This is the unadulterated reality of public finances on 13th December 2011 – the unimpeachable truth of public finances on 13th December 2011.

220 I can see that the Hon. the Leader of the Opposition is laughing nervously. I wondered why Mr Caruana might have favoured one or the other, and I do not know whether it is that he thought he was giving Mr Bossino the poison chalice of the Employment Portfolio or whether it was Mr Caruana who was giving Mr Feetham the poison chalice of having to defend this. There is always, usually, Mr Speaker, an interim leader that loses the next one, before the favoured leader comes through. We have seen it everywhere else.

So look, I understand entirely and I forgive them completely for their nervous laughter at this difficult juncture.

225 On the eve of a By-election campaign, to see the whole thrust of your argument *shattered* with evidence must be harsh. I do not feel for them, but I understand how nervous they must feel.

Because you see, Mr Speaker, the state of public finances of Gibraltar when the GSD left office was very, very precarious indeed – probably more precarious than ever. And let me do a basic calculation for the general public and for Members opposite.

230 When we took over, assuming that on 9th in the morning, when we were sworn in at 10 o’clock – I was sworn in as Chief Minister, other Members were sworn in as Ministers not yet with Portfolios – let us assume that it is still £20 million, the same as on the 8th. So the day we take over it is £20 million available cash reserve. That means, Mr Speaker – and they have got to understand this – that we were £20 million away from breaching the statutory limit prescribed under something called the ‘Borrowing Powers Act’ for the financial year 2011-12 – the Public Finance (Borrowing Powers) Act.

235 Four days later, the useable cash is reduced to £16 million. I do not know if the hon. Members opposite have the Estimate Book with them – it appears that they do not, although this is what the debate is about! I am not surprised Mr Speaker given that we have not heard much analysis of the numbers, other than of course, I accept from the Leader of the Opposition, who did an analysis, which I think is flawed, but he did an analysis – and he is now showing me he has his Book. I think he is going to wish he did not have it.

240 If I take him to page 3 of the book, Mr Speaker, the actual position of net public debt on 31st March 2012 – it is the extreme right column, on the second row, headed ‘Public Debt’ – is £303.4 million. The ceiling of net public debt for that year was £306 million.

245 Do they understand, Mr Speaker, that therefore the position in which we inherited the public finances of Gibraltar saw us find ourselves, as at that date, with £2.1 million of available cash reserve? *Thank goodness* that there was a new dawn on 8th December and that from a position, a record low that we inherited from the GSD, available cash reserves now are *up to £85 million!* (*Banging on desks*) (**Several Members:** Hear, hear!) £35 million given to community care, which they had brought down to *zero!*

250 Mr Speaker, the second part of the ‘doomsday memorandum’ of 13th December is that the Financial Secretary recommends that I should come to this House and seek an urgent resolution from the House, in order to enable the further drawing on cash reserves, to meet ongoing capital expenditure commitments and ensure that there is sufficient cash to meet day-to-day Government business. That is the effect of the low available cash reserve: that you have not got the money to meet day-to-day Government business commitments and capital expenditure commitments. That is the situation in which they put us.

255 There is no point in pretending, Mr Speaker, if they are now foolishly going to go down that route again, without waiting a year for people to forget the argument that they had this time, that they did not know that this was the case, although they seem to be pouring over the numbers now thinking ‘Oh my goodness, is this actually true?’

Perhaps now that Sir Peter is not there and they are doing their own calculations for themselves, they are thinking to themselves ‘Oh damn it, he is right!’

260 But they cannot pretend that they did not know, because they campaigned on the basis of the health of the economy and the health of public finances during the General Election, and they have done it again this time. ‘Everything you are achieving, the health of public finances today, oh GSLP/Liberals, you are achieving because of the golden legacy that we left you.’ (A Member: Hear, hear.) ‘The golden legacy that we left you’ – if he is stupid enough to ‘Hear, hear’ that, Mr Speaker, after I have shown him what  
265 depths they took Gibraltar to in terms of public finances, then perhaps the rest of what I am going to say is flawed, because they must have been lobotomised. (*Laughter*)

They know, Mr Speaker, because the £520 million of public debt was disclosed by the Hon. the then Chief Minister on television on the Leader’s Debate the night before the election. And I assume, that  
270 unless they had other agenda, they were all watching their then glorious leader in glorious Technicolor, on analogue GBC as it then was, with their popcorn, and enjoying every minute of it, so they must have heard him say £520 million.

The second, Mr Speaker, was that in a fairly fiery and combative speech at a state occasion like the ceremonial opening of the Parliament, the hon. Gentleman who was then the Leader of the Opposition, did not simply concede the point; he insisted – perhaps like a Pied Piper that wants to keep his fans  
275 happy, or a David Koresh that has managed to convince people of his messianic qualities – that everything was alright. But, there was a sting in the tail of his argument on public finances. He said, ‘And if you need a resolution of this House, if you need any instrument of this House in respect of public finances, we will of course support you.’ Well, that might have passed me by at a different time, but in receipt of the ‘doomsday memo’ I knew exactly what he was talking about and he knew exactly what the  
280 position was – *exactly* what the position was. ‘Whatever parliamentary approval you may require as a Government, for additional borrowing, we will be happy to provide.’

And then after I do my Ministerial Statement, in his reply – artfully done because he admits everything I say, but then says that what I am saying is not true – artfully done – he said explicitly this: ‘If  
285 I had been elected I would have sought a resolution of the House to extend the borrowing limit we took beyond the £20 million available on 8th December.’ So they must have known, Mr Speaker, what the position was, because their then glorious Leader was telling them.

So Mr Speaker, with all of that evidence – and it takes a few minutes for them to see that their Budget the year before was for £450 million for the year 2011-12 – they *must* now realise that to find Gibraltar’s  
290 public finances in a state where there is only £16 million available or 3.5% of the Budget for the year on the day that you are elected, was a matter of very grave concern indeed.

Public sector salaries cost more than £16 million between December and the end of March, Mr Speaker. And of course the position was inconsistent with the Estimates. The Estimates that had been  
295 presented in this House, on which the election was fought, with only one figure difference on the last night, 12 hours or nine hours before the poll opened – which was when the Hon. the then Leader of the Party opposite, dropped the clanger of the £520 million – the Estimates showed an end of year gross public debt of £480 million and *useable* cash reserves of £90 million. That is what their Estimates showed.

So imagine in that context, Mr Speaker, receiving the ‘doomsday memo’.

300 On 9th December, Mr Speaker, one of the things that the Financial Secretary said to me, which he then put in this memo, just as a briefing so that one is aware of what is happening, was that the advance to wholly owned Government companies stood at £87 million and by the end of the financial year would be £100 million. Mr Caruana himself accepts that that is the case, but says this would have been covered, as we sold assets to cover this £100 million.

305 Well look, Mr Speaker, if you owe somebody £100 million and you say you are going to pay it by 31st March and you do not pay it by 31st March, and you turn up in the office of the person who lent you the money and you say, ‘Well you know, Peter, don’t worry, I’m going to sell stuff to be able to pay you’, the response would likely be, ‘Hang on Paul, the whole point of me lending you the money was that you would have sold all of those assets or paid me otherwise by today’s date. If you can’t pay me, you have  
310 got a £100 million hole in your balance sheet.’ And that is exactly what we found, Mr Speaker.

And that is also reflected in the ‘doomsday memo’, and in the information provided to the Government, because of course, how can one repay £100 million, if all you have got is £16 million  
315 available – and that is the companies? But you cannot even give the companies the further advance that they need, because they are going to have to spend that £100 million before 31st March. You have only got £16 million left, if you give them £13 million to take them up to the £100 million that they need, you have got £3 million left for everything else!

So, Mr Caruana said ‘Oh’ – and I salute his style. How he was able to admit everything in his response and then say that it was not true, and then simply say in respect of the £100 million, ‘Oh, it’s just a cash flow issue’...! Well look, Mr Speaker, I would like to see any politician explain to the hard

320 working public servants of Gibraltar on pay day that there is not enough money to pay them, because of a cash flow issue. That would be fun!

But that is where they put us, Mr Speaker. They put us almost in La Línea territory.

325 Or perhaps to our contractors Mr Speaker, who were doing the capital projects and say to them, 'Well, you've done all the work, but I can't pay you. But don't worry, it's just a cash flow issue.' Well, is it not always just a cash flow issue? 'I don't have the cash, because it is not flowing' – is that not the debtors' usual refrain, Mr Speaker?

330 So if they want to go out campaigning, saying that there was not this black hole, if their candidate in this by election campaign says that there was no such hole in our public finances and that we told a Big Lie, after she sees the 'doomsday memo' and the memo of 8th December 2011, and after she sees this page of the Estimates, which I am personally going to send her, with a copy of my reply, because I think she deserves it, I think she deserves to have the facts and not be led up the garden path by hon. Members opposite, then I daresay she may want to stand as an Independent this time round, rather than as a GSD member. (*Banging on desks*) She may well go back to being an Independent and not have to defend the indefensible which they are lumbered with. I am going to send her this material, because she has still got time to say to people that she will not take their whip if elected, because what they have done is so disgraceful in the attempt to pull the wool over people's eyes that she will have no part of it.

335 Mr Speaker, when we were elected we decided we did *not* want to take the advice of the Financial Secretary and come to the House for a resolution to increase our borrowing. Our manifesto was about reducing gross debt and net debt. We were not going to increase gross debt further, so we did not come here to seek the resolution.

340 It is also a priority of our Government, nonetheless, to have increased available, usable cash reserves to a more prudent level as we set out in our manifesto. So what did we do? What have we done? How did we make it to the end of the year?

345 Very simple. As hon. Members know and as the general public knows, we had to stop the capital projects. If you have not got the money, you stop spending: it is the only answer. I said to the general public that we would do that in my Ministerial Statement, 'this is the state of our finances, this is what we have to do, we have to stop spending.'

350 I would love a tunnel under the runway and so much more. I would love a runway that extends into the Mediterranean and can take the Airbus A380. But Mr Speaker, you have to spend within your limits and not allow yourself to do what hon. Members did. And you have to spend on things which produce income or which have a social benefit for the community, not on vanity projects.

355 So I immediately said, with the support of my Cabinet, we are stopping these capital projects. We did not buy any more lavish public toilets. We did not invest any more in a new theatre at the Theatre Royal Park as it had become. We stopped all of the waste, Mr Speaker. We started to recalibrate what Gibraltar spends hard earned taxpayers' money on.

360 So when hon. Members opposite talk about the public finances that we inherited not needing curing, and I saw that we got that, Mr Speaker, from the Hon. Sir Peter Caruana who is defending his record, from the Hon. the now Leader of the Opposition who is trying to make a go of it, and from the hon. putative other Leader of the Opposition, Mr Bossino, who is just positioning himself to say that he also defended the glory of the GSD, when the time for the next Leadership election comes, when they say that there was nothing to cure, they know now, Mr Speaker, that what they are saying was not accurate.

365 They must have known it before if they had given it a cursory look in the Book. They must have known it before if they read between the lines of what the Hon. the then Leader of the Opposition said in reply to my Ministerial Statement. But now Mr Speaker, even they will be able to understand, see and appreciate exactly what the position was, demonstrated in black upon white, in the two memoranda of the Financial Secretary that we will be publishing today.

They will see that there was a serious public debt problem – a serious problem, where the Government elected found itself with very little cash in hand to continue the day-to-day business of Government, let alone fund many of the ongoing capital projects.

370 They will see, if they want to see, Mr Speaker – the blind sometimes do not want to see – that there was a £100 million spending in Government-owned companies which the companies did not have the ability to repay to the Government: an uncontrolled level of capital expenditure incurred by the previous Administration in the year leading up to the General Election. Look they know it, Mr Speaker, because I told them last year that they had managed to spend more – the figure may be right in the last two years before the General Election – than they had spent in the previous 13 on capital projects. That smells like desperation – desperation to hang on.

375 But Mr Speaker, the important thing to tell the general public, apart from the fact that the case is now put beyond doubt in the documentation issued, is that the matter has been dealt with. The matter has been dealt with to such an extent that they can have *absolute confidence* in the *excellent* state now, of Gibraltar's public finances and that they are only getting better.

380 Usable cash reserves are restored. We now have – as I told the House earlier – £85 million. Both gross and public debts are on the way down. Hon. Members say that the gross debt is not the measure that is relevant, well we say it is in part relevant, and it is down by 27.5%. But if net debt is the relevant measure, net debt will be down by 10% on the numbers given to them in this Estimate Book by the end of this financial year.

385 Public finances are now, 18 months later, well enough to be able for us to embark full steam ahead with the implementation of our manifesto commitments, and to target spending where we said we would target it for the benefit of our community. And we have achieved a record budget surplus, in spite of the increases in recurrent expenditure, because of course there has been increases in the recurrent expenditure in the public service – they did not employ people to fill vacancies for years. When you get people to fill the vacancies in the Civil Service, of course your payroll goes up, but the alternative is for them to be honest and say, ‘Look, we are not going to fill the vacancies.’

390 We have increased spending on health, on education, 47 more teachers. The hon. Gentleman likes to get up and say recurrent expenditure is up in the public sector, but what he does not like to do is to stand up in this House with the courage of his convictions, if he has got them, and say, ‘And therefore, because we do not agree with recurrent expenditure being up in the public sector, we will once again get rid of those 47 new teachers’, that Gilbert Licudi was true to his word and employed as permanent and pensionable, as soon as we were elected, under the new public sector arrangements.

395 Because of course they want to hunt with the hares and run with the hounds. They want to say to the Chamber of Commerce, ‘We are your angels of vigilance on the increase in recurrent public spending’, and they want to say to the people who are getting the jobs, ‘We support you getting the jobs’, even though Sir Peter did not open any vacancies in the Civil Service for the past four, five or eight years. ‘We do not want to be going through the Public Services Commission when it is so much easier to do things *a dedo*’, as I will demonstrate later, when I am dealing with the foolish remarks about cronyism that opened at that flank by Mr Figueras.

400 But recurrent expenditure, Mr Speaker, is restored to affordable levels and is in line with our manifesto commitments to keep recurrent expenditure growth below the growth in the economy and limited to an increase of 40% in our first term of office. Hon. Members can see that the growth of departmental expenditure for 2013-14 is expected to be about 5% over the previous year’s figures, which is significantly less than the growth in the economy. So I do not know why it is that they feel that they can go around talking about things being unaffordable.

405 I know they do not like to listen and they would rather read messages from their sycophants that say, ‘Don’t worry, don’t worry, you’re still alive, you’ll find something to say, you’ll be able to talk your way out of it!’ But if they bothered to listen, they might not make the same mistake again. It may be worth them listening, it may be worth them trying to come to terms with the fact that they have been outed, that the truth is not just out there, it is out here and available to all our citizens now, for them to see; that this proves the serious problem that Gibraltar had and it proves in these estimates how we have cured it; and, of course, it proves that they cannot be trusted.

410 This, Mr Speaker, is a political *slam dunk* of evidence that demonstrates that the only credible version of the state of Gibraltar’s public finances, at the time of the election, was the one that we were telling before the election, from our analysis, and have been telling since. The *facts* have betrayed the deceit in their arguments outside of this House.

425 The numbers, Mr Speaker, in the Estimates Book demonstrate that their words are totally and entirely unreliable and the public must know now that they can never again be trusted and their candidate for this by election will want to think again about whether she defends the indefensible record of the GSD or goes back to independent thought.

430 So we have saved now, Mr Speaker, in 18 months, a huge amount of money by not continuing with the projects that hon. Members were embarked upon. We have continued spending on some capital projects and of course the recurrent expenditure, although the Hon. the Leader of the Opposition sometimes has difficulty understanding the difference between the two; but there has been no spending on vanity projects, Mr Speaker. We have spent wisely in 18 months and we have *saved* wisely in 18 months and that is what has delivered these excellent results. There is no magic to it.

435 I know that they cannot quite work out how we are going to afford our manifesto, but look, it is pretty simple and I hope that today, by having told them what I have told them, they will start to be able to realise that continuing to argue that we cannot afford our manifesto and we are going to let a lot of people down may be an easy way of getting round a Question Time that is looming, or an argument that is looming, but it may be an argument that comes back to bite them in their political posteriors at the time of the next General Election, if we have delivered and if we have afforded.

440 So it is a high stakes game that they are playing. I can tell him, and I can tell them all, that we know how we are going to deliver, we know when we are going to deliver and we are going to know exactly where the money is coming from.



So they may want – although I am loathe to give them advice, it is not my job to do so – to recalibrate their arguments like we had to recalibrate spending, because they may find themselves in a very difficult position at the time of the next General Election. The Leader of the Opposition may find himself in a very difficult position at the time of the next General Election. In fact, the Leader of the Opposition may find himself in a very difficult position the day after the By-election, but never mind that!

But anyway, Mr Speaker, he said himself, through the course of his early intervention, that nothing I said was going to change what he thought of the numbers and what he was going to say to the general public, so I guess he is probably not listening to this. Because if it was hard to listen to me give a speech explaining what a brilliant Budget Gibraltar was going to benefit from, it must be even harder to hear me de-construct and demonstrate that the whole basis of the arguments that they have put to date are really no longer sustainable.

I recognise, Mr Speaker, that – and I have some sympathy with the Leader of the Opposition, because answering the debate on an Appropriation Bill in a Second Reading is the hardest job in parliamentary politics, not just in this Parliament but in all parliaments. Everybody has more time to prepare. The Leader of the Opposition needs to get up and respond. He needs to respond almost on the hoof, in a moment, he needs to assimilate the arguments put by the Leader of the House and reply.

The Standing Orders say that we cannot read speeches, but Mr Speaker is very liberal in this debate in particular, to allow Members to read speeches of course, and it is normal, even for Leaders of the Opposition, to turn up with some prepared arguments. That is why Leaders of the Opposition and Members opposite are given, on a confidential basis, the schedule to the Bill to allow them to prepare.

But there are some things that are in the gift of the Chief Minister to say ‘only in this House on the day of the Bill’ and there has to be a reaction to that. Therefore, a Leader of the Opposition cannot rely entirely on his prepared remarks. He has to really show that spark in answering the recalibration of taxation and import duties and of benefits that the Chief Minister does, here, on the day of the debate. But he did none of that, Mr Speaker. He gave us his prepared text, relatively flat.

I do not think Mr Figueras said anything worth people listening to, but his speech was anything but flat – it was so riddled with factual inconsistencies, which I will go through one by one, that at least it created a stir.

The Hon. the Leader of the Opposition’s speech was probably as flat as the coke one drinks when one has got a tummy problem, and one is aged three! At least you would have thought that in his maiden speech as Leader of the Opposition, he would have gone for some big punch. There was not even that. Just this ‘Big Lie’ election thing.

Well look, Mr Speaker, he was not intending to listen to reason, he was not going to deal with anything we said, he was not going to say anything about the fact that the numbers are exactly as we predicted in our manifesto they would be, that the tax cuts were as we predicted they would be. He was not going to say anything about us having reduced the debt, or about having reduced net debt. He could at least say, ‘Although I do not think they are relevant, I recognise that debt is down 27.5% in gross and is going to be down 10% in net.’ He could say *something*. He could say, ‘Look, I recognise you have given £35 million to Community Care, that is not a bad thing.’ He did not even say that, Mr Speaker.

He said, Mr Speaker, before the election, that our manifesto was the longest suicide note in history. Well look, let me just pause there on the phrase. The hon. Member is not known for his original thought, but for a man who purports to be of the left, to enjoy quoting Margaret Thatcher’s remarks of Michael Foot’s Labour manifesto of 1982 is a bit rich! But he takes it even further than that because the new mantra of this culture of entitlement, where ‘this is for working families, for people who wake up in the morning.’ I could not believe when I heard him the other day on GBC saying, ‘This is for people who wake up in the morning and go to work, while others, curtains are still down.’ Because the absence of original thought first manifested in repeating Thatcher, which, like Sir Peter used to do when he was Leader of the Opposition and he used to copy almost word for word, Sir Paddy Ashdown, is now manifesting itself again in the Hon. the Leader of the Opposition, quoting George Osborne! *Every single word* that he used in that particular interview with GBC was word for word George Osborne on Radio 4 a month before!

Let us assume, Mr Speaker, that it just swept into his subconscious as he was walking past a radio that somebody else was listening to; but if he still wants to pretend to be a man of the left, can he at some stage please do me the pleasure of quoting someone from the left? Even if it is no original thought – actually it is probably better if there is not any original thought... The last time the hon. Gentleman came up with any original thoughts, he was going to introduce capital gains tax to Gibraltar and abolish Category 2 status. So better no original thought and keep quoting what he reads in the newspapers, Mr Speaker!

But anyway, apart from what he called our ‘suicide note’, which turned out to be the successful manifesto which our discerning electorate decided should be the one that forms Government, the best manifesto ever presented to the people of Gibraltar, the suicide note has now become ‘dangerous and undeliverable’. That is why that tactic, I am telling him, is going to be short term.

505 What is he going to do, Mr Speaker, in the next General Election? Will he at least commit himself, if he is still Leader of the GSD then, to say on the Leaders' Debate, 'Fabian, I want to start this debate by acknowledging that you have completed what I described as the most ambitious manifesto in the history of Gibraltar, completely; that you have delivered what I said could not be delivered; that you have afforded what I said was not affordable and that your credibility in this debate is much higher than mine. Let us now get on to the issues going forward.'

510 Well, 'going forward' – he likes to say, *pa'lante*. He does not like to say, 'going forward'. Okay, let us look at the arguments going *pa'lante*. But will he at least accept all of that?

515 He has called the increase in the public sector, in the recurrent cost to the public sector, ruinous. Fair enough, if that is his position, it is his position. I think it was his Deputy's position – oh, I am sorry, did I say Deputy, when I was referring to the Hon. Mr Bossino? I should not have had. I understand he still has no Deputy, although he was Deputy. There is still no Deputy. He has not appointed a Deputy Leader. I know that the competition is fierce – competition is good for the soul – and that it is a bit, at the moment, the law of the jungle on the other side.

520 So his 'not Deputy' – his first putative Deputy or his first putative alternative leader, Mr Bossino, agrees with him in expressing this concern over the increased cost of public sector employment. Okay, fair enough, it is fine that he should say that and it shows original thought; but let us work through that original thought. Let us take it to its natural consequence.

525 Let me say for them, because they obviously do not have the courage to say it, let me say to every member of the GGCA and Unite: this Government remains committed to pay reviews in Gibraltar which reflect in their salaries the performance, always positive, of the Gibraltar economy. This Government remains committed to the Public Service Review and we remain committed to the manning levels of the Civil Service and to providing a more efficient service to the public and to the business community.

530 But let us extrapolate from the Member's arguments what they believe: 'dear members of Unite and GGCA – and of course because we have the issue of the 47 teachers, dear members of the Teachers' Union as well – Mr Feetham, the current Leader of the Opposition' – apparently Mr Caruana used to hate being called the 'current Chief Minister', but we all have to accept that we are current – 'the current Leader of the Opposition, Mr Feetham, and Mr Bossino, the putative Leader of the Opposition, both think that we are already employing too many people and paying you all far too much this year, because the recurring cost of the public sector has gone up.' At least members of the public sector in Gibraltar will know what their position is in respect of employment and remuneration.

535 In terms of, if I may, just as an aside, say, where is the GSD going? The increase in the recurrent cost of the public sector, of course, includes the 2.9% increase in salary paid to public servants. They are obviously – by saying that the recurrent expenditure has gone up – necessarily against that. But I did not agree it; Sir Peter agreed it, in the three year review which *he* left me. I was fine with it. I was fine with the fact that he left me those pay increases that our hard working public servants deserved. I just was not fine with the fact that he did not leave me any money to pay for it! (*Laughter*)

540 But they are now saying that the cost of the public sector is going up too much. Well look, it is going up 5%: 2.9% of that goes to salaries and it is an increase that they agreed, so where is the GSD? Is the GSD where it was, agreeing these increases or is that another one of the repositioning moves that Mr Feetham is doing of the party? I will come to some of the others later.

545 Well, what they should have done on recurring expenditure is recognise that overall recurrent expenditure has been controlled like never before. We have brought it in on budget.

550 But he then went on to talk about the increased cost of legal advice from the private sector. Well, Mr Speaker, I am not going to refer him to which firms receive what amounts. But let me tell him, let me tell them all, that they need to understand that a culture of compliance, which is a badge of honour for Gibraltar, and enables us to achieve the things that we have achieved which eluded them, like the Code Group and the ECOFIN approval, costs money.

555 We have recruited more people to the EUID and to the LSU: of course recurrent expenditure is up. But we also need to send work out to experts because we cannot recruit an expert in everything. And when we do, we choose the right expert – we go to whatever firm is necessary, regardless of who may be in politics or not in that firm. That is irrelevant to us. A man's expertise is a man's expertise whatever his politics may be. But we spent it for the good of Gibraltar plc and we can show the results. And for every piece of work that we brief out, there is a piece of work that comes in.

560 What we have not done, Mr Speaker, is pay a supporter of ours, for very little demonstrable work, for any benefit whatsoever to Gibraltar plc, a huge amount of money in order just to simply keep them industriously writing articles in a rag that we fund to bring down the reputation of Members opposite – as was the case of course when a certain Mr Benzaquen, a member of their Executive Committee, was paid approximately £¼ million in one year, without £¼ million of work to show for it. But lots of articles scribbled in a rag from No. 6 denigrating everything that the then Opposition used to do.

A quarter of a million pounds in legal fees: that is the sort of expenditure that we will not engage in. (Interjection) A quarter of a million pounds down the drain, says the Minister for Justice who has responsibilities for these matters. He should know.

Look, Mr Speaker, without £¼ million down the drain, we have got better usable cash reserves, less debt in gross and net terms *and* we have got something to show for the £1.4 million we spend on private sector legal fees, and we have got something to show for our investment in the EUID – every Directive bang up to date and ECOFIN and Code Group approval.

And then, Mr Speaker, one of the things that he talks about, the Hon. the Leader of the Opposition, is that we are not going to reach the £1.65 billion target. He is right, Mr Speaker, we do not think we are going to reach the £1.65 billion target by the time of the next election. We think we are going to exceed it, we are going to go beyond the £1.65 billion target.

But if we just meet it, again in the same way as he talks about the commitments not being deliverable, what is he going to say if he is still the Leader of the Opposition in the Budget debate before the General Election, if the numbers are reflected in the Book. It is going to be woefully embarrassing for him if it does reflect the £1.65 billion GDP.

I think the problem is that they just cannot come to terms with it. They cannot come to terms with the fact that the public finances were in such a parlous state. They cannot come to terms with the fact that we are on target. They had to deliver the speeches that they had written probably over the weekend before they heard what I had to say, and of course having spent three active weeks making these arguments in a By-election campaign, Monday was the proverbial *jarro de agua fría*, a jug of cold water. I could almost hear, amplified, what it was that they were whispering to each other: '*¡Picardo se ha cargado la campaña!*' 'Picardo has ruined our campaign!' '*¡Que no se entere nadie!*' 'Just give the speeches that we were going to give, at least they will be reported in the papers and some people might miss what he said about this being the best, most brilliant Budget in the history of Gibraltar' – because otherwise, what would they do?

And he does not tire of saying to me, 'Where were the European investors that you said were coming?' and I do not tire of saying to him, they are very advanced in their investment and when the investments are finalised, they will make an announcement. And he says it so cynically, as if to suggest that they were not there when I made the statements. Mr Speaker, I am going to tell him, as I have told him before, all he does is ensure that I take *huge* pleasure, perhaps more than one should be entitled to, when I do make the announcement that I know is coming about these investors, and of course they have nothing to do with the Sunborn – nothing to do with the Sunborn.

And then, Mr Speaker, they move on to this business of the Savings Bank in their 'Think' leaflet. Talk about something coming back to bite you in the political posterior! That 'Think' leaflet may come back to bite them very hard indeed.

Was it wise to talk about a savings bank, given the parlous state of international banking, the expanding of its services into a national bank? Well look, it is as wise now as it was when we all put it in all our manifestos, at a time when the banking crisis was at its *highest*, or is it that he does not know that in December 2011, things economically were far worse than they are now?

But if what he is trying to do... because even when he is attempting to be politically clever, the hon. Gentleman is so *transparent* that he is like a white sheet. If what he is trying to do is suggest that somehow the Government is responsible for the Barclays Review, the Government is the problem and that is why Barclays is leaving, if that is the game that he is trying to play – which nobody would for one moment believe to be true, who knew *anything* about the issue – does he not know, Mr Speaker, because everybody else does, that one of the biggest issues that Barclays have had – one just needs to be working in financial services to know what the issue is – one of the biggest issues is, the *huge* impairment on loans granted by Barclays on *their* affordable housing schemes which the previous Chief Minister said he was going to make good in a payment, and then on 7th December *resiled* from?

They know that. But the hon. the back-bencher can tell them that, and I am almost sure that he does not want the GSD to disappear, so he must be telling them all this. And in the same way that they do not listen to me, they must not be listening to him, because otherwise they would not be opening themselves up on these issues.

Talking about the Savings Bank as he did, the ones who removed the solvency ratio requirement in the Savings Bank were them. Did he not hear that part of my speech, when I told him that we were keeping in the Savings Bank the surpluses of the Savings Bank? Would it not require a piece of legislation to tell us to do it? We *decided* to do it and we have done it for the second year running – without it being a legal requirement.

In any event, when he talks about the amendment that I made to the Savings Bank Act, what he did not say in the course of his remarks about it – probably the flattest part of what he said, I must tell him, as a sort of critique if he is interested – is that everything that he said about investments ignored the fact that the person who is making the investment decisions is exactly the same person who was making them

625 before, the Financial Secretary, with the same appetite for risk as he had the day before the election! Did he not think that was worthy of a mention?

All he wanted to do, Mr Speaker, was raise spectres that are not there. Try and make people think that there is an issue where this is not one. I think that has a name. It has a first name and a second name: it is called scare mongering.

630 So anyway, Mr Speaker, I think that that maiden speech which was more of a damp squib than it was a Leader of Opposition's reaction to a Budget speech. It is dealt with now in everything I have said, but I do think that he does have a problem and there are... I hear already, quite quickly within 48 hours, that there are members of his Executive Committee who are very concerned indeed and regretting their decision in that now infamous in the annals of Gibraltar political history, that infamous secret ballot that delivered him the Chair of Leader of the Party.

635 In fact, Mr Speaker, I think it is not lost on many of us that a lot of things have changed in the GSD since he took over. He has already said that the decision of the hon. the backbencher and the handling by the hon. backbencher of the Theatre Royal issue was not appropriate. He has already distanced the Party from that. 'Take it on the chin', in an interview in GBC '*y que no me lo hechen mas en cara*' 'and therefore nobody should have the opportunity of rubbing this in my face again.' So already he has decried him once on that.

We have seen of course that his position on the fishing dispute in 2003 was different to what Sir Peter's was in 1999, so he is already trying to find an angle on that.

645 After today, I daresay that he will be even distancing himself from all of Sir Peter's remarks on public finances. It has not been five months, Mr Speaker, and the Hon. Leader of the Opposition has denied Sir Peter more times than Peter denied Christ! What a palaver!

It is also not lost on anyone I think, Mr Speaker, that the remarks that we have made, in recognising Her Majesty's recognition of the hon. the bankbencher's service, have almost been more fulsome from this side of the House than they have been from his side of the House. I do not know whether that is an attempt to try and get at some of my supporters.

650 Perhaps as part of that wider plan, perhaps he is not so transparent after all. Perhaps this is all about something buried even deeper, and doing completely away with the political life of the hon. the backbencher – not just getting rid of him as Chief Minister. Maybe we did not understand him when he said those words to us. Maybe it is about getting rid of him from Gibraltar's political life completely. Maybe, Mr Speaker, it is going to be a bit like the issue with Lenin and Trotsky. Perhaps when we look now at pictures of the GSD taken last year, Sir Peter may not be there, he may have been cut out, as was done in the early part of the last century by Lenin to his ex-friend Trotsky.

655 Even things like the de-selection of candidates at the time of the General Election in the GSD, the de-selection of the Hon. and popular Mr Vinet had his fingerprints all over it. The way that they are starting to shift party policy – *even*, Mr Speaker, the permission granted for Mr Netto to make the statement that he made on the Prayer. I do not think I have ever seen the hon. the backbencher as red in the face as when he turned up here and found out that the Hon. the new Leader of the Opposition had allowed that to happen.

665 I have seen him quite red, because I have said things that have upset him, and I must be seen by people today as a complete and utter pussycat compared to what replies were like in the 16 years that he was here, and I trust that I am not red. I did take the blood pressure tablet this morning, but I have never seen Sir Peter so red as when he found out what had been allowed to go on here by the new Leader of the GSD.

Or the proactive change in half of the party to this pro-equality approach on civil partnerships with the hon. Lady urging us on the civil partnerships legislation, whilst Mr Bossino tries to pull the reins.

670 Well, look, Mr Speaker, I think that that is a very good thing. I must tell him I think it is a very good thing, because it demonstrates that our winning the General Election did not just trounce Mr Caruana; it trounced the arguments that the GSD were putting for so many years that were wrong.

675 So I salute the fact that he is repositioning his party and accepting all the things that were wrong. But then of course, the reality will be that the GSD is no more. That GSD which stood for something is no more.

I would like to say it is a lurch to the left, because it would be nice that everybody here were of the left, but I think it is exactly what I said last year it would be. I told him that I thought that this is what he would do and he has not let me down. It is a lurch to the left on equality, but a lurch to the right on public sector spending. Exactly what I thought it would be – left, right, left, right, exactly when it is in his interests.

680 Perhaps he is as transparent as I thought he was, but no big secret though. The hon. Gentleman has made no secret of it, because he told us on GBC, in an interview, when they held their first ever annual general meeting – I do not think you can call it 'annual general meeting' unless you hold one every single year – that the GSD is such a broad church that it includes people from the right, people from the centre, and people from the left.

685

Well, Mr Speaker, look that sounds like a party, but it does not sound like a political party. It sounds like a party I would quite like to go to, to exchange opinions with different people and have a drink; but if it is a political party, it is a party of opportunists, it is not a party of ideology, because you cannot have people of the right, the centre and the left describe themselves as a political party with an ideology, other than an ideology to stand for whatever may be best at a particular time in their view and in an electoral sense.

So when you analyse it in that way, Mr Speaker, I suppose that this new mantra of '*Pa'lante*' which is the hon. Gentleman's new slogan – I am surprised that he has decided to use a Spanish word as a slogan for his political party in Gibraltar – is more like '*un pasito pa'lante, dos pasitos pa'trá.*' I almost expect to see him not singing Tom Jones but dancing Maria: *un pasito pa'lante y dos pasitos pa'trá.* And I have got to wonder, why is it that the hon. the backbencher has inflicted this on his party?

You see the hon. the backbencher was very honest in his political views, very honest. Some years ago he told Mr Bruzon, during the course of *this* debate, at *this* part of the debate that he – Mr Bruzon, may he rest in peace – was too good for politics, as what was needed in politics to succeed was *mala leche* – he used those Spanish words, bad milk. I guess 'bad milk' is a bit too literal so 'guile and bad ideas', I suppose.

So when we look at hon. Members opposite today and we hear what they have said in the context of this Second Reading, we see how they have opened themselves up in this campaign to have themselves completely shot down by the evidence that I gave at the beginning of this reply.

Given what the others have said, and the repositioning that they have done, I can see exactly where the GSD is today. The GSD today is all of the *mala leche* of the GSD before, and none of the brains. That is the new GSD: all of the *mala leche* and none of the brains, very well repositioned.

Let me move from there, Mr Speaker, to the brains in the outfit and to the much more lucid, if equally disagreeable intervention of the hon. the backbencher, who told us that he would not be here during the course of the debate because he has other matters on, so he will excuse me that I continue to make my reply to him. I am sure that he will have an opportunity to read it, but I of course accept he has other responsibilities now. Having been here for 20-odd debates in the past, I absolutely understand that he is not here today.

His contribution was disagreeable, because of the things he said about public finances, which I have now dealt with. But it was to an extent much more convivial than the others, because although of course he has said that a lot of work had been done on repositioning – they were there for 16 years: we cannot pretend to have done the Income Tax Act; it was drafted when they were here, we supported a lot of that work from Opposition – he was wrong to say that I had criticised him for notifying the new Tax Act to the Code Group. I had not criticised him for that. What I *did* criticise him for was for the opposite: for *not* notifying the Income Tax Act for State Aid clearance – something which as hon. Members know is now something we are having to deal with.

And he said, and he was right, Mr Speaker, that the culture of compliance that we have ushered in enables us not just to seek and demand fair treatment from the international community; it enables us to seek and demand fair treatment from the United Kingdom on matters where the United Kingdom can assist us in taking us off black lists and other such issues.

I think it was right that he made the intervention that he made, in the tone that he made it, because in doing so, he disclosed some affinity with the Government's position, contrary to some of the things we have heard from other Members, as he did during the course of the parliamentary reform debate, where it will not have been lost on anyone, much less Members on the opposite benches, that there were parts of the debate on parliamentary reform, where the Hon. Sir Peter Caruana agreed with the Government and not with the Opposition.

Mr Speaker, this was true of his intervention also on the Sunborn Hotel, where he said, 'Look, I understand the thinking there and it may be that hon. Members are right, but I reserve judgement as to the location and other issues. If this has put other hotels off, that is a bad thing', and I am quite happy to tell him, it has *not* put other hotels off. The people they were negotiating with, we are still negotiating with, but there were no commitments tied up before the election, as has been pretended.

Even on the Savings Bank, although we disagree on the detail, he was confirming his view that there should be some Government involvement in a Gibraltar Bank. He at least is not decrying that part of the manifesto that is not yet 18 months old.

But of course, Mr Speaker, the one thing that is clear is that to an extent, I am helping the Hon. the Leader of the Opposition do the job that he wants to do: the publication of these memoranda of 8th December and the doomsday memorandum of 13th December is the final nail in the political coffin of Sir Peter Caruana, because it demonstrates the state of public finances on the last day that he was Chief Minister beyond peradventure.

I want to thank him, Mr speaker, because during the course of the parliamentary reform debate, he was honest to a fault in recognising the work that we had done in 18 months, led by the Deputy Chief

Minister principally, and by me as Leader of the House of course, in calling the meetings, in order to usher in a new parliamentary era for our country.

750 He said, as I sometimes wish they would, because it would make the political argument easier, ‘We could have done it at any time in the past 16 years and we did not, because it obviously was not as much of a priority for us as it has been for them. They have demonstrated that they have done what they set out to do immediately that they were elected and I want to recognise that.’ Then he went on to agree with some things that we said and disagree with others, but that is an honest approach to take in a debate.

755 Mr Speaker, when they, who are what is left of the GSD on the front bench – this group with all of the *mala leche* and none of the brains of the previous GSD – accuse us of not being transparent or democratic in our approach. They really do appeal only to their blindest sycophants because we call 10 meetings of this Parliament a year. This year we are going to call nine because by agreement we did not call one in order to allow the refurbishment. Even if we did not answer any questions – and we answer them all, even though they might not like the answer, we answer every single question – even if we did not answer any questions, they have 10 opportunities a year to embarrass us, because we do not answer a question, and therefore of course we do answer questions and we give information.

760 Unless they think that we are *completely stupid*, if you do not want to answer questions, you do not call a meeting of the House. There is a constitutional obligation to call three in a year when there is not an election, and I call 10. They have got to understand, for politics to mean something to people, there has to be a basis in reality. The Hon. the Deputy Chief Minister and I have been at this game for 21 years. The Hon. Mr Bossano has been at this game for 40 years – 41 coming up at the end of July. *You cannot make it up!* What you say has to be real and relevant, because if you make it up, people know that you make it up. People are wiser than politicians, when it comes to working out who is telling the truth and who is not.

770 That is why with these documents, the arguments are going to be settled for them on public finance. That is why on democracy and on transparency, when people see that we come here every month, and we answer every question, they will have no truck with arguments that we do not.

775 A democracy is not just about Parliament; it is about other instruments, and the Development and Planning Commission being held in the open now demonstrates that commitment to transparency and accountability. These numbers, set out as clearly as they are, demonstrate a commitment to transparency and accountability, but they need to analyse them. They cannot just ignore them. I think the hon. Gentleman and I will at least agree on one thing, there was a candidate last night at the Chamber Dinner who said that there is no transparency in Gibraltar and politicians just spend what they like. We can argue about many things, but he and I will agree no doubt that politicians in Gibraltar need to account for every penny that they spend – and we do that.

780 And at the DPC, every permission that is granted is now open to scrutiny; they just need to turn up. So it is clear to any objective observer – not that there are any on the other side – that there is more openness and transparency than there has ever been before. I want therefore to thank the hon. the backbencher for having made the point himself during his speech on the parliamentary reform motion.

785 I think what worried me the most, Mr Speaker, about the intervention of Sir Peter Caruana, what really concerned me, was something that started during the course of their annual general meeting. He said during the course of their AGM which was shown on television – this meeting that cannot be described as ‘annual’, because it does not happen every year... I think for them the ‘A’ means ‘a’ general meeting because they hold one whenever they like, not necessarily annually! That is what their ‘AGM’ stands for.

790 He said during the course of that meeting that he thought that foreign policy being conducted from No. 6 Convent Place was almost his foreign policy. He thought it was not Picardo doing it, every time he picked up the *Chronicle*; it is like Caruana is doing it. Well, I know a kiss of death when I see one! So I am not going to quickly clasp my lips to his, to avoid that, because my foreign policy is very different to the foreign policy that he pursued.

795 But during the parliamentary reform debate, he said that he agreed with us. At the AGM, he said that the foreign policy was very similar to his, although the Leader of the Opposition suggests that it is not.

800 Then, on the Monday morning, the last thing I needed to hear was the Hon. Sir Peter Caruana saying ‘and his Budget speeches sound like mine too!’ I think he feels so let down by the new Leader of the GSD that he wishes it was me – but I really know a kiss of death when I see it coming. I think it is just an attempt to denigrate me in front of my own supporters.

Let me turn to somebody else who, given the flux that there is on the other side, might yet become leader of the new GSD, which I have described a moment ago. Let me turn to Mr Netto’s contribution.

805 I saw the text being passed of that contribution back and forth between him and Mr Feetham, with *huge* amounts of red ink on it from Mr Feetham’s red hyperactive pen. Well, I do not know whether this particular remark was Mr Netto’s own work or Mr Feetham’s work, but Mr Netto said that a sound environment is as important as a sound economy. It makes sense that John Cortes would agree with that,

and every Member on this side would agree with that, Mr Speaker, because *every* Minister in this Government is a Minister for the environment.

810 How can it be said by anybody on that side of the House? Do they not realise that they went to an election defending a diesel powered station as the only solution to our power generation needs for the next 30 years.

815 Well, I was delighted to hear John Cortes remind us that in the new Gibraltar, the Gibraltar of the new dawn, the environment really matters and where there is action on renewable energy, despite their inaction in the past 16 years, it will not be because the hon. Gentleman asked the question. He said, 'Well, I now hope that given I have asked the question, there is going to be some movement on renewable energy' – excuse me, I cannot quite do the monotone.

820 There *will* be action on renewable energy, because there has been action from the day we were elected, absent the questions. And the environmental filter that they now refer to, they refer to it as if it were a normal thing. Thank goodness, Mr Speaker, because that demonstrates the change that we have ushered in, that everything should go through an environmental filter and that filter is the 10 Ministers, not one.

825 That filter is working, and there is no question of any Minister putting John Cortes under *pressure* to accept anything, and surrender an environmental point of concern. We have got a Minister for the Environment, who was 'Mr Environment' before the election, and we are all Ministers with responsibility to care for our environment.

830 We do not put pressure on each other. That is not how this Government works. It may be how they are used to working in Government or even in Opposition, but look, it really betrays a very interesting point of how it is that Mr Netto appears to have got used to being treated by his colleagues. I suppose there is that bad milk rearing its head again.

The thought of putting John Cortes under pressure to surrender an environmental point – I think I would find him chained to the Cabinet table, rather than the nearest tree!

But Mr Netto need not worry: we are not going to put him under pressure to do anything – although he may find that there is pressure coming from another angle that he might not expect it from.

835 The very unhelpful thing that he said, Mr Speaker, was to say that it was disgraceful that we have not yet – I paraphrase him – we have not yet published some reports or that we took so long to publish the Fishing Report, as something that Mrs Hammond herself says, in the course of her intervention, 'It is disgraceful it has taken so long, maybe it is being formatted' – ha, ha, cynical remark, perhaps it is being formatted, that is why it is taking so long!

840 Well, look, Mr Speaker, it ill behoves them to chastise us because we are working on reports and we have not yet published them, because they should know – or perhaps given that their collective memory has disappeared, when most of the members who were in Government have gone and the hon. the backbencher has disengaged – it ill behoves them to chastise us for not publishing reports within a few days of receiving them, when they *never published reports*. They kept them secret.

845 The King Report into GBC was published by this Government within weeks of being elected. The report into Customs has been given to members of Customs at last, and it is ready for publication - reports that they used taxpayers' money to procure which they never published.

So how can we now be attacked because we take a few months to publish something? This is nonsensical.

850 This is the politics of the world started on 9th December 2011. I am prepared to accept that politics from them, if they accept that the 9th December was a new dawn, where Gibraltar emerged from the darkness of 16 years of non-publication of reports, to a day in which reports are published as soon as possible. But they really do open the flank for me to remind them that they say these things about us not publishing the report within 10 minutes and the King Report took five years to be published. It was published when I was elected.

855 Then of course the incredible interplay between the remarks from Mr Figueras and the remarks from Mr Netto: Figueras saying, 'Go back to the old style DPC, do not subject yourself to it. Just rule, govern, decide, do. And the whole campaign of the Sunborn was a done deal.' Well, actually, if the Hon. Mr Figueras were the Minister for Planning, everything would be a done deal, wouldn't it? And it would not be done in the open.

860 So fascinating and right, by the way – if I may say to Mr Netto, absolutely right – that he should come here and make remarks about what he heard in the DPC. That is why the DPC is open, so that he can turn up there, he can listen he can bring here to the heart of our community's democracy anything that he has heard there, because we opened that up and we come here once a month to hear what he has to say. The remarks he made were nonsensical, but he is entitled to make them.

865 And on the macaques, Mr Speaker: look Mr Netto does not need to even smell the coffee, Mr Speaker. Mr Netto just needs to wake up! (*Laughter*) Who is it that he thinks he is carrying a brief for, when he insists that we should be killing monkeys in Gibraltar? Who? Does he not realise that they are one chromosome away from being human beings? In some instances, perhaps not even one chromosome,

870 because I have seen some very clever monkeys. Does he not realise, Mr Speaker, that the apes are our mickey mice, our biggest draw? Nobody comes to Gibraltar to see him, or me for that matter. They come to see the apes and they come to see the Rock and he is saying that the Management Plan, as far as he is concerned, should still be to put a bullet between their eyes. Come on!

875 One does tire, Mr Speaker, of the debate on environmental issues in this House, one does tire, because committed though we are to the subject and without the need for the hon. Members to raise any issue, we are committed unto it entirely.

880 Now, it started off Cortes *versus* Figueras. It then became in terms of Shadow Portfolios, Cortes *versus* Netto. Mr Speaker, pro *versus* amateur, pro *versus* amateur: it just does not take the debate any further. It is a one-sided debate, where only Dr Cortes knows what he is talking about.

885 And that is why when the hon. the backbencher, when he was Leader of the House and Chief Minister, thought he was insulting the Hon. Dr Cortes by calling him *el jardinero*, the gardener, in an attempt to somehow denigrate him in the eyes of the many before the General Election campaign, what he was doing actually was giving Dr Cortes the badge of honour of recognition by all our community, as the excellent botanist that he also is.

885 But in terms of the political history of Gibraltar, a subject which unfortunately I am going to have to come back to in a few minutes, when I start dealing with what I will charitably call the intervention by Mr Figueras, it is also important for Mr Netto to get his political history right.

890 The first Minister for the Environment in the history of Gibraltar was appointed by the GSLP in 1988. Yes or no? It is a fact, you cannot argue it. You cannot get up in this House and say the first Minister for the Environment was appointed by the GSD. It is not true, the hon. Gentleman is responsible for his remarks in this place, and in the *Chronicle* and in the *Panorama* and on GBC. If he wants to have a genuine debate he should have it on the facts.

895 And then he says you do not give us the minutes of the Nature Conservancy Council – a Council which I never called meetings of, when I was Minister for the Environment. Well, the legal advice that we have I am happy to tell him is that we have no obligation to publish them.

900 ‘You do not monitor black carbon and radium’: actually we do. It is one of the many things that Dr Cortes was not able to talk about in the course of his Budget speech, because otherwise if he took us through the list of things that we have done which are positive for the environment since 8th December, we would still be listening to him! (*Laughter*) Measurement of black carbon is already taking place, and we are going to be among the first EU countries to monitor this pollutant – hats off, Dr Cortes and all your team.

905 Data on radium levels has already been collected, Mr Speaker, been analysed by the Environment Agency, with the Department of the Environment, and the studies and the results will be published shortly.

910 And of course, what Mr Netto did not like to listen to was there is now an Ape Management Plan, but he did not want to talk about that; he wanted to talk about culling, because there is obviously a small constituency about that supports culling, and he is trying his best to have that constituency on his side. I do not know, Mr Speaker, maybe it is the shooting club who have got nothing else that moves to shoot at.

910 I am going to move on now, Mr Speaker, to the intervention by the Hon. Mr Reyes who, if he will allow me, if I may so, was a little bit more constructive in his approach, and I want to recognise that.

915 I am happy to tell him that I am working very closely indeed with Unite, Mr Speaker, on the subject of the Housing Works Agency and the manning levels there, but I do think that his concern about the manning level has to be set in context. He knows, does he not, that it was the Government of which he was a Member that did an agreement of ‘two out, one in’, in the Housing Works Agency, because it was an agreement signed by his previous Leader? So his concern about reduction in manning levels has to be seen in that context.

920 I do not know whether he thinks the agreement was a good thing or a bad thing. He talked about the agreement and his tone in respect of the agreement seemed to be positive, but then he turned to the manning level and seemed to ignore this clause 42 I think it was, of the agreement.

920 Now it appears that he also agrees with our policy of moving the Housing Department out of the City Hall. Thank you for what appears to be tacit approval of that and support for it. It is happening, it is something that will happen. It is an untimed commitment in our manifesto, it will happen before the time of the next General Election.

925 Then he moved to talk about the co-ownership schemes and he gave us a remark in his speech, which in my view turned everything slightly more cynical. He talked about, ‘Oh, you have paid these consultancy fees and a brick has not been laid.’ And then he said, ‘Don’t make the mistakes that were made before in co-ownership.’ Well look, that is why you pay consultants before you lay a brick. But anyway, I would have thought that they know that, given how much they spent on consultants.

930 ‘Well done for eventually listening to the tenants of the housing estates and not adding the floor.’ Well, I am going to take those two points together. We did not eventually listen to the people in the housing estates; we listened to the DPC and we went to the housing... I personally went to every one of



the housing estates involved and spoke to the tenants. So we did not ‘eventually’ listen to them; we set out a consultation and *listened* to them.

935 But the cynical backhander I cannot allow him to get away with. He said ‘the construction problems in the co-ownership schemes under the GSLP’: this is the Party that does not want us to look back. It only wants us to look forward. I guess that is why it is *pa’lante*, as well, Mr Speaker, because they have such problems in what came *atrás*, that they only want us to look *pa’lante*. They only want us to look forward and not back.

940 And yet even in 2013, when dealing with co-ownership, hon. Members feel quite relaxed about going back to 1996, but they do not need to, Mr Speaker, because problems of co-ownership construction, they have been in everything that has been constructed – even Waterport Terraces, which admittedly has the least of the problems, but has problems; even in some parts of the Mid Harbour Estate, where there are considerable problems; and particularly in the OEM co-ownership estates.

945 So if the hon. Member wants to talk about problems in the construction of co-ownership estates, he does not need to go back to 1996. I am quite happy to tell him that for this Government to sort out the mess that they left behind is going to cost about £10 million.

950 And the difference, Mr Speaker, between the bill that we have and the bill for repairing Harbour Views is very simple. Perhaps he is going to rue the moment that he said this backhanded remark, because it is going to allow me to put in the public domain today that it is going to cost us £10 million to fix the co-ownership estates that they left behind; and we will not be able to sue a developer or a construction company to get the money back, as they did and we would have done, in respect of the Harbour Views ‘fiasco’, as they call it, where the money was paid back by the contractor and developer who had been responsible for the mistakes.

955 Because of the collapse of Haymills and OEM, there is no-one to sue. Because the work was finished by GJBS, which is the Government’s own company, which inherited the mess and did its best to complete the works and it is now doing its best to fix the problems. So their £10 million of cost of repair will have to come out of the pockets of the taxpayers of Gibraltar, *their* co-ownership fiasco!

960 Whilst what they thought was the easy play of referring back to Harbour Views, it is something that was paid for by the people who caused the problem.

I acknowledge that he encouraged us to get on with the refurbishment of the estates that they had completely forgotten. They did nothing about it 16 years, to such an extent that campaigning for the GSD at Moorish Castle was not a fun thing to be involved in. And yet now, they urge us to move quickly. Well look, I suppose that is part of the repositioning of the GSD: ‘say what you have to say, do not worry about the consequences. Picardo will slam us because this is completely ridiculous for us to be saying this, when we did nothing about it’ – but all the *mala leche* and none of the brains. Keep it up, boys and girls!

965 Now, let me turn to the intervention by the hon. Lady, Mr Speaker. I found it amusing, to say the least, that she said that a lot of what was happening in respect of the portfolios that she was shadowing was that there were a lot of photo opportunities and not enough work.

970 Mr Speaker, the hon. Lady ends her intervention by saying that certain people are petty, one thing and the other. That is how she ends, but she starts by saying, ‘Oh, the Ministers are taking more photographs than they are doing work.’ Anybody who knows any Minister on this side, anyone who bothers to look, knows how many hours all Ministers are working, each of them in charge of their portfolios. But the hon. Lady should know and if people do not tell her, look it is my obligation to tell her here.

975 She is known throughout the community now, as somebody who jumps into the shot as soon as somebody takes out a camera! I almost dare say, it is what the Leader of the Opposition has told her to do: ‘Isobel, make sure you are at everything and that you get into every shot’, and that is fine, Mr Speaker. She wants to show the community that she is at events, that is absolutely fine, but do not attack Ministers for being in photographs when they are doing the work that they are paid to do. She does it, Mr Speaker, with such dexterity. I am sure that she is in the photograph albums of more than one Gibraltar tourist who she has mistaken for a journalist, as they were taking a shot of some particular part of our geography that they particularly liked. You never know, she may have a fan club in Japan.

980 But this is the tenor of the remarks that she was making in the context of a serious debate on Estimates. I do not think I have ever been in a debate on the Appropriation Bill where less attention was paid to the appropriation. It was just ‘what can I say to embarrass the Government, what can I say that sounds good, what can I put in the newspapers tomorrow?’ The numbers were just completely ignored.

985 Then she goes on to say, it is remarkable that we have now got somebody at the GHA who is going to be CEO and who is permanent and pensionable, and that should not be the case. Everybody who has remarked to me about the choice of CEO for the Gibraltar Health Authority, a person who I do not know, has told me that they believe that this is an excellent choice made by the relevant board; but she is taking a technical point namely that he should not be a permanent and pensionable member of the establishment. This is completely unacceptable.

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Again this is part of the loss of the collective brain of the GSD because whilst they were in Government, the CEO of the Care Agency or the Elderly Care Agency, whatever it was called then, was a P&P civil servant. How can she make the point and not seem nonsensical?

995 It is just as nonsensical and lacking in depth – and it has come back to this point about people opposite not knowing the political history of Gibraltar – as the point she made last year that at last... You were not here, Mr Speaker, it is important for you to know: last year she said, ‘*At last*, there are women on both sides of the House, for the first time in history.’ It is a simple factual point, Mr Speaker: Miss Marie Montegriffo was in the House on the Opposition benches at the same time as Mrs Del Agua. If you cannot get that right, Mr Speaker, I suppose you cannot be expected to do an in depth analysis of the numbers.

1000 I often say that Members’ mouths on the other side engage before their brains, but in her case, Mr Speaker, sometimes it is her fingers engaging before her brains when she tweets things. ‘What are they doing to Catalan Bay?’, she tweeted, when some works started there at the end of May – ‘What are they doing to our beach?’

1005 People know what we were doing to the beach, Mr Speaker. We are making it accessible, at last. It will be even more accessible when the bits left to get people to the shore arrive, which have not arrived. But well done, Minister Costa; well done, Minister Sacramento; well done, Minister Linares for delivering at last an accessible beach there and elsewhere in Gibraltar!

1010 I suppose that the answer to ‘What are they doing to our beaches? What are they doing to Catalan Bay?’ is now writ so large, it is such the right thing to do, that she must really be disappointed with herself for engaging fingers and thumbs before brain.

1015 Like this criticism, Mr Speaker, that she makes of the percentage of women on boards: but I know that she does not like to talk about the board of GBC. I think she has actually said to people do not mention the GBC board, because there are more women on the board of GBC than there have ever been. I think it is up to 40% or 50% of the board of GBC are women, but not that that matters because what matters is who is right for the job – not a percentage of people. That is not equality. That is the sort of number crunching she should be doing about the estimates.

1020 On issues relating to Moroccan nationals, does she not know, did she not hear the bit that I spoke about in terms of the number of people who have been naturalised? She just ignored that. I suppose that is just another one of the parts of the speech that was written that just had to be delivered.

She talks about 52 breakdowns of ambulances. If she bothered to check, 47 of those relate to the ambulances that we inherited from them and have had to replace! (*Laughter and banging on desks*)

1025 Then what looked at first blush as a huge and justified criticism: the GHA should not be called to start the party political exchanges with the Opposition and denigrate Opposition Members. It sounds good, must have sounded good when she was typing it or writing it. But of course, it ignores an important part of the political history of Gibraltar as well, which is that for the 16 years that they were in power, all engagement in respect of health matters was done by the GHA on the letterhead of the GHA, and there are some pretty tough ones attacking Mr Costa, who was then a young man, new into Parliament, the blue-eyed boy of the Opposition benches, being savaged on the letterhead of the GHA.

1030 What is worse, Mr Speaker, the CEO of the GHA was rolled out to do party politics for the Members opposite when they were in Government (**Several Members:** Hear, hear.) (*Interjection*) – not that he got very far, because if measured with Mr Costa’s credibility, his was absolutely on the floor. But I guess if she is saying that, there is another one of those things where the GSD is being repositioned: the old GSD did one thing; the new GSD does another.

1035 There is nothing of substance. It is not something to say, ‘Oh I did not vote GSD before because they were in favour of the GHA answering press releases. Now that they are not going to allow the GHA to answer press releases and they will themselves, I am going to vote GSD.’ It is not a repositioning of any substance, Mr Speaker; something which is just irrelevant.

1040 Then she criticises, Mr Speaker, the board of the GHA, of which she was a member, for not being open enough. She was a member before the election. Now it is completely open. People can turn up and listen to what was going on. When she was a member of the Board, she did not say, ‘Hey chaps, let’s open up!’ But now she criticises that there is not enough openness.

1045 Does she not realise that people can now put things on the agenda of the GHA board for discussion? Before it all used to be done through the Minister or the CEO. What is going on? Should she not at least give the Chief Executive a chance, he is in his probationary year?

1050 Then she talks about John Langan and criticises him for the work that he did. Well, I think everybody who knows John Langan and who knows what is going on in the GHA has very much welcomed what he did, and the fact that he and... well, he in particular has been working for much less pay than the former Chief Executive, Dr McCutcheon, ably assisted by Mr Lima, I must say – very ably assisted by Mr Lima.

Then she criticises the increase in the budget of the GHA, but says that the GHA must do more. So let us be clear, if they were to win an election tomorrow, they would cut the budget of the GHA again – the GHA that has come in on budget, well done, John Cortes, for the first time in history (*Banging on desks*)

1055 they would cut the budget – (**Several Members:** Hear, hear.) – but they would offer more services. This is the twilight zone world in which Members opposite live.

The spending on locums she said is an issue. Well, it is down from £3.5 million in 2010-11 when they were in power, to £1.9 million when they were in power for two thirds of the year, to £1.58 million when we have been in power for the whole of a financial year. So her analysis is just completely incorrect.

1060 On Social Services, she says, ‘I have reviewed the press releases and not much is happening.’ Does she think that work is reflected in press releases?

1065 They say that we issue too many press releases, and then when they do a review of a Department, when they have a reshuffle, all they do is look at the press releases. And if there are not enough press releases, you have not done enough. They have got to make up their minds! Do they want us to issue a press release every day saying what we have done? There is much more going on than press releases in the Social Services Agency.

1070 There is a whole list of things that the Hon. Member, Miss Sacramento has set out. We have not continued the GSD approach to training; we have changed it and improved it considerably. Generic core training is enhanced, 65 sessions delivered last year. Staff development training is a new thing involving the staff in how to change core training, sharing training with the GHA because this is one Government, as my Ministers constantly remind them.

1075 Social workers going to the UK for training, something that had been suspended for many years; and the big, big change: domiciliary care. Yes, they offered some, but that is where the similarity ends. No-one used to get domiciliary care before, when they needed it. They used to go on the waiting list, until somebody who was getting it died, and then they would get domiciliary care. Now there are two providers instead of one; the budget is increased to £550,000; and we get a better deal so we get more domiciliary care.

1080 There is no historic waiting list for domiciliary care now. Did she hear me? There is no historic waiting list for domiciliary care now. That is over, finished, as a result of the sterling work done by Samantha Sacramento after 9th December. A *huge* improvement: there is the current waiting list, but there is not a historic waiting list.

1085 Assessments as to need for community care are done by people who know, by social workers, not by clerks. This is just... The changes... ‘The Calpe Ward is the only thing you have done in the 18 months.’ Well, we did the Calpe Ward in four months – three in fact. ‘And you still have not been able to stop cancellation of operations.’ There were no cancellations of operations due to bed shortages; there was almost zero for most of 2012; and in early 2013, they were due to the annual winter surge.

But she says she is happy there has been an increase in social workers. Well, at least I am pleased to share some happiness.

1090 The Clubhouse Project, ‘the Toc H is not the right place for them’; well, you gave it to them. The temporary place is even better than the final place that they will have.

1095 Then the most *pathetic* of the arguments put: this welcoming of the Care Agency parity with GHA for the grades that used to have the analogue. Does she not know that this is a problem that they created in 2009? Does she not know that they kept people waiting until the election 2011 and still had not sorted it out? How can she make that a point that she says she welcomes, when her Party when it was in Government did not deal with it? This is just re-positioning of the GSD, but re-positioning using only *mala leche* and no brain.

1100 I want to turn now, Mr Speaker, to a man I have always considered a friend, and continue to consider a friend, in evidence of the fact that politics does not need to get in the way of friendship. So Mr Speaker, Mr Bossino obviously started his intervention, devastated by the fact that the Employment Survey publication on Friday had really done for their argument on the Future Job Strategy, and still licking the wounds of the loss of the leadership of the party in February. I guess that is why most of his intervention was given through gritted teeth, because of the problem with the numbers in the Employment Survey, and the fact that he was not sitting closer to the centre of the semi-circle.

1105 But I have to recognise that the Hon. the Leader the Opposition has done an interesting political job on him, by giving him this poisoned chalice of having to shadow the great Joe Bossano. It is a poisoned chalice, not just because Joe Bossano is going to do what he says he is going to do in politics on every occasion in every Portfolio, but obviously for him in particular, because his new beloved leader has made him shadow his former beloved leader and idol. That is actually... I mean hats off to the Leader of the Opposition, it is a slightly wily political move there!

1110 Well, obviously the first strategy in the By-election was rubbish the Job Strategy. Employment Survey is published: ‘Oh doo-doo, what do we do now?’ Because you see on Friday of last week Gibraltar saw for the first time the *huge* success that Joe Bossano has brought to the Employment Ministry: 524 jobs for Gibraltarians in one year, compared to the average growth of 22 Gibraltarian jobs in one year under the GSD for 16 years.

1115 And the unemployment at 522, reduced from the 1,000 that the Hon. the Leader of the Opposition disclosed by a Freudian slip of the tongue during the course of the General Election campaign must be the

unemployment, given the calculation that he did as to the cost of the Future Job Strategy as he understood it to be.

1120 So Mr Bossino is wrong footed at the General Election because he joins the Party that loses. He is wrong footed at the leadership election, because he is not elected as a result of this nefarious secret ballot that snares him at the last minute, and then he is wrong footed on the Employment Survey in the middle of the By-election campaign. My dear friend Mr Bossino's political career really seems to be going down in the doldrums.

1125 When I said that everything that was going up that should go up and everything that was going down that should go down, I did not mean him. He knows I am a fan of his.

I guess there is a lesson in that, though, for the hon. Gentleman he started his intervention by saying... by *attacking*, not saying; attacking, because he used it as an attack – Joe Bossano is a leopard that does not change his spots. (*Interjection*) But he was wrong to attack Joe Bossano on that basis. That is Mr Bossano's strength; it is not his weakness.

1130 Mr Bossano has been making the same points in Government as he was making as Leader of the Opposition and as Opposition Member for 15 years, and as Chief Minister for eight before then. He is sure of his position, he is sure of his ideology, and that is why he has seen it through into this massive success in the Employment Survey, and that is why he enjoys a massive respect amongst the population, even amongst people who do not vote for him.

1135 But, the Hon. Mr Bossino keeps changing his spots at just the wrong time. That is the problem. He went from admiring Joe to joining the GNP Liberal Party, to leaving us because we had merged with the GSLP in this electoral alliance that we do, because Mr Bossano remained leader, to then taking the final step to the dark side by joining the GSD, and then to arguing, finally as he emerged in the GSD, to say that Joe Bossano is the danger for Gibraltar, a problem. So from idolatry to saying that Mr Bossano is the danger.

1140 I will allow Mr Bossino to, of course, take his own counsel. I will only say this and it is not something I would say to everybody on the other side. I will say it to him privately, I say to him publicly now: it is a two-way road, you can come back. Because if you are going to change your spots again, change them at the right time, otherwise that political career is just going to keep going in the same direction.

1145 You see the hon. Gentleman has not just changed his spots: he has not got spots any more; he has got stripes. It is a complete transformation for Mr Bossino.

1150 Then he quotes me, when I was Leader of the Opposition, Mr Speaker, talking about the figures and what I said about people who are unemployed. Of course I was dealing with the published figures then, not with the real figure that Mr Feetham disclosed during the General Election campaign. I was talking about the 400-odd, when in fact the number was, we were told later, about 1,000. About people being fed up: I thought there were 420 people fed up; there were 1,000 people fed up. Half of those already, more than half, Mr Bossano has dealt with.

1155 Some people were so fed up, they did not even bother to turn up and sign on as unemployed, because all the Minister used to do was, if he turned up to the office, smoke his way through the day or perhaps not turn up at the office and go down to a particular café in town to avoid being in the office. But now that there is a Minister there working for our unemployed, people are coming back and registering themselves, and if you look at how long people have been unemployed for, the hon. Gentleman might find that some of the people who he is complaining are now on that list and that unemployment has gone up have been unemployed from the time when they were in power.

1160 So unemployment is down, and therefore, Mr Speaker, for him to then say that we are not being transparent and democratic in the way that we approach our obligations as parliamentarians... As I told others before, people are never going to believe that. They are going to compare what you say about unemployment and what you say about democracy, look at what Mr Feetham said during the election campaign about the 1,000 unemployed, look at the fact that the GSD called one meeting – *one meeting* – of the House in 2001 or 2002, a maximum of two before the election and that we call 10 and that we cut unemployment by half, and they are going to say Damon Bossino is not a man to be believed.

1165 So my advice to him is do not do that, because that speech from which he quotes – I suppose he does not like to hear this – the speech from which he quotes me, that speech I gave as Leader of the Opposition. I do not like to blow my own trumpet, but the Hon. Dr Bernard Linares, when he was in this House, and are used to complain that he used to blow his own trumpet, used to say to me, 'Look, Fabian if you do not blow your own trumpet, nobody will.' So I am going to just take a leaf out of his book for a moment, and I am going to say to him that speech that he quotes me from, that Leader of the Opposition speech, is undoubtedly, when you look at the facts, the most successful Budget speech ever delivered by any Leader of the Opposition, because within months, I was occupying this chair, not that one; and the person who has held the post as Leader of Opposition for the shortest period of time – although I do not know whether Mr Feetham is about to beat me the day after the By-election!

1175 So I understand why it is that he quotes from the speech. But to extrapolate from that this Bermuda Triangle that he talked about, (*Interjection*) well look, I think there is a Bermuda Triangle in Gibraltar and

1180 I am trying to find it, because if the Bermuda Triangle that he talked about, which does not contain any jobs, there must be £10 million for where the Theatre Royal used to be and when I get my hands on it, I will put it back into Government coffers. There must be many millions more pounds that were wasted during the time that hon. Members were in power. That is the Bermuda Triangle that has afflicted Gibraltar for the past few years.

1185 He says that we will not be silenced, Mr Speaker, we will exercise our freedom of speech. Mr Speaker, I am giving the hon. Gentleman advice to make better points; I am not saying he should not make points. This Government does not want to silence them. In fact, given the tenor of what they say, we are actually quite happy that they should continue to be the Opposition and continue to make the arguments that they are making, as loud as they can, because it is so easy to discredit them that we are guaranteed Government whilst they continue to make these *mala leche*, no brain points. They should not have to worry about us wanting to silence them. I positively encourage them to continue engaging mouth before brain as they have done in the course of this debate.

1190 He replied to Mr Costa only on one point, and one knows the points that the GSD are going to make in this place, Mr Speaker, because one sees them tweeted a couple of days before, either by them or by some of their sycophantic supporters. 'Ah, call this progress, the number of cruise calls for 2012 was down', hell and brimstone, fingers engaged before brain by whoever tweeted that one!

1195 But I expected better from him because he engaged mouth before brain, when he repeated it. Does he not know that cruise calls are booked a year, sometimes two years in advance and that the numbers for 2012 are the numbers which reflect the bookings when they were in Government until December 2011? Does he not know that? Does he not accept it? It is very simple and straightforward. Does he not realise that what he has done is raise a criticism of the Government whose record he is trying to defend.

1200 Mr Speaker, I would like to have a meaningful debate. I too would like to have to engage brain in order to reply to them; but it is just too easy! They give us the argument on the one hand that bookings are done two years in advance through Mr Holliday, and then they give us the argument from Mr Bossino that the bookings for 2012 are down and this is awful. Join the two together and you have the answer. I am almost bored in having to reply. I really expected so much more, Mr Speaker. (*Laughter*) The 'Class of 84' expects so much more, Mr Speaker.

1205 This betrays, Mr Speaker, another failure of the GSD in the last year in office, and putative Leaders of the Opposition who want to be putative Chief Ministers cannot make mistakes like that, because we will be reminding you, year after year, Mr Speaker, in this place.

1210 The final thing I want to say to the Hon. Mr Bossino is to ask him to consider an inverse proposition. I will explain that: I mean the opposite of something he has said, alright? (*Laughter*) He said he was so confident that the result of the By-election will be that their candidate will emerge as the winner – that is if after today she does not decide that she is not their candidate any more, she goes back to being an independent, as she was a couple of weeks ago – he said he is so confident that their candidate was going to win, that if the Government lost the election, I should immediately call a General Election. I bet that line sounded good when he wrote it.

1215 I am going to ask him a question and he does not have to answer, because in this House in this debate he does not have to answer. But what happens if the opposite is true and their candidate does not emerge victorious in the By-election – if she is still their candidate by the date of the By-election. What happens if our candidate emerges victorious from the By-election and I do not believe polls, good or bad. What the people will do, the people will do: they will decide, they will determine who fills Charles Bruzon's seat in this Parliament. But the inverse proposition of what he put to me is that I should put to him that they should all resign on the day after the By-election, if their candidate does not win and ask the people for a mandate to renew them in Opposition. We can quite happily do so, without having to have a General Election. We can have seven new By-elections and we have a new Opposition – a PDP Opposition, a Bryan Zammit and six other independents' party Opposition; or they might be renewed and Sir Peter may go and Marlene may come in or somebody else, but if he said to me with such gusto, 'If you lose the By-election you must call a General Election, Chief Minister', well, what happens if you lose the By-election? Why do *you* not put your seat where your mouth is? That is why it is important to also engage brain before pen.

1230 Mr Speaker, talking about resigning, perhaps it is something that Mr Figueras may want to start considering immediately, because frankly, in a stable of lack-lustre speeches, his was really lacking any meaningful analysis. All it had was partisan bent. Some of the others were flat, particularly the Leader of the Opposition's. Their facts were skewed. But Mr Figueras took the absolute biscuit. When he uttered his first sentence, he got it wrong. His *first sentence* – fiasco. He said, 'I am the Minister with Shadow responsibility for Justice and Home Affairs'. I do not know whether that means that he is in charge of the cooking at home, Mr Speaker, but there is no portfolio of Home Affairs in Gibraltar. There is a Minister for Justice and he shadows the Minister for Justice. I do not know what Mr Licudi's arrangements at home are. (*Laughter*)

1240 He does not even know how to describe himself, Mr Speaker! There is no Minister for Justice and Home Affairs, so he could not even get the name of his shadow responsibilities right. But what did he say? He went on to talk about how we should not have made the reforms to the DPC. I know it is incredible Mr Speaker, but he said it. You were in the Chair, you heard him.

1245 'You should not have made the reforms to the DPC; you should make decisions; you should rule; you should decide; you should determine.' I suppose that is from the right wing of the GSD. That is not the centre left or the left. This 'the Government rules' must be from the jackboot part of the party.

1250 And then he says, with a straight face, 'It is absolutely incredible that you are not yet subjecting yourselves to the open planning procedures of the DPC for Government projects.' For goodness' sake, Mr Speaker! A or B? Should we subject ourselves to the planning process or should we rule and determine? Was the Sunborn a done deal or should it in fact always have been a done deal, because we should never have gone to planning, even for guidance and advice? Which is it? You cannot have them both.

1255 I do not know whether it is in fact just political schizophrenia of the worst sort: 'I am going to say both things. There might be people out there that want to hear one of them and who are stupid enough not to see that I have said both, the thing they like and the thing they do not like.' What sort of politics is this, Mr Speaker?

Then they tell us, at the same time as they say you should rule, you should determine, 'But you have to consult'; and then when you consult, they say, 'You did not have any plans that you had thought out because you changed as a result of the consultation process.' Mr Speaker, what is this, the Twilight Zone?

1260 The hon. Gentleman can play all of these games, of course he can. He can say what he likes, but he is only going to convince the permanently lobotomised that he is a serious politician. This is not a serious way to do business in this House.

1265 On the issue of the tank farm, he does not even have the courtesy to tell the House that that is in respect of a client of his. But there is one clear thread in his speech, and I am grateful for the clarity of it, because I am now going to amplify it for the whole community. The GSD continues to believe – this is not an issue on which they have repositioned themselves – that the Government should not subject itself to the process of planning and that we must shut the doors on the process again as soon as possible. *At last*, in that speech, at last, it sounded like the same old GSD. I was almost nostalgic for it.

1270 So with that honesty we will amplify during the course of the next few days, in the context of the By-election campaign, that the GSD policy continues to be to reverse all progress in respect of the DPC. He actually said that the DPC gets in the way of things. I suppose that consultation also gets in the way of things. Publicity gets in the way of things. Unless of course, consultation means today in the GSD what it meant before in the GSD: 'Rosia Tanks, we are going to demolish them.' 'Oh, please don't, that's where Nelson victualled the *Victory*... Oh, they're gone!' Consultation à la GSD.

1275 And then he reached new heights of political ridicule. I almost wish, Mr Speaker, that the hon. Gentleman had picked up a red nose and put it on, when he said, with a straight face, that one of the problems with getting office developments going is the impositions of the DPC, although he acknowledged the measure that I had brought in. He can check *Hansard* if he cannot remember. The impositions of the DPC are stopping office developments.

1280 Mr Speaker, if Sir Peter Caruana had been here to hear that, I think he would have gone redder than he went the day that Mr Netto said what he said about the prayer. Because you see, it was the hon. the backbencher who was very clear here in saying that the only thing stopping office developments in Gibraltar was that banks were not lending, and that is why he was making the equity investment in the Mid Town development which we criticised.

1285 Things just get curiouser and curiouser. Is he not supposed to be involved in the financial services industry in our community? Does he not know these things? Because everybody I talk to knows these things, and talk to the Government, as the Deputy Chief Minister has said repeatedly, about the banks, the lenders that will not lend, for issues unrelated to Gibraltar and Gibraltar property, but they will not lend because of constraints on them from outside. And that was the position of the previous Chief Minister as well.

1290 But then when the ridicule was just getting impossible to bear, and I was feeling almost ashamed for him, because I still have some affection for him, he took the whole thing to a different height. I thought I had misheard him. But the *Chronicle* today very kindly set out what he said in black and white and I am sure the *Panorama* and other newspapers will pick it up and reflect it. He said: 'When Gibraltar delivers the change in the shape of Gibraltar's first one-term Government, and returns the GSD to office in 2015...' I bet that sounded good when he was writing it, Mr Speaker – right sort of tone, take on the new Government.

1300 Anyone with the most minor interest in local politics will know that Gibraltar's first one-term Government, if he wants to call it that, at least in the time that we have had Chief Ministers, was led by Sir Robert Peliza from 1969 to 1972. The AACR lost in 1969 and came back in 1972. If a 14-year-old had told me what the hon. Gentleman had told me, I would forgive him. But this community needs to know the lack of basic political knowledge that the hon. Gentleman has about the history of Gibraltar, the

modern history of Gibraltar, when they listen to him pontificating about what the future of Gibraltar should be.

1305 I am going to give him some advice. Before he was undoubtedly one of the best Ministers Gibraltar has ever seen, the Hon. Dr Garcia was one of the best historians Gibraltar has ever seen and he has written what is known, even in diplomatic circles, as the definitive modern political history of Gibraltar. He should read *Gibraltar: The Making of a People*, because then he would not be making these basic mistakes.

1310 But then again, I guess this is what we are in for: all of the *mala leche* and none of the brains, (*Laughter*) the new GSD, repositioned. And I was worried that young people in school did not know about the political history of Gibraltar! It is like ‘the first time in history that there are two women in the House’ – from parliamentarians, who should know better.

1315 Then on to the Proceeds of Crime Act: he was really on a roll, he would not give way. Look, the only point that we wanted to make to him in respect of the Proceeds of Crime Act is that it is not a criminal matter; it is a *civil* matter in the Proceeds of Crime Act.

1320 And then, if he had bothered to check – but if he does not know the big facts, how is he going to know the little facts? – the Proceeds of Crime Act is something that I had been raising in this House when I was in Opposition and something that we are already looking at. But this new found concern for the rule of law, and law and order, must be something completely new found. Because look, the Hon. Mr Feetham in 2003 was saying in the *Panorama* that the Fishing Agreement was bad for Gibraltar because it was a ‘coach and horses through the rule of law’ and now he has forgotten that.

But when the hon. Gentleman says, as very helpfully set out in today’s newspaper – and this is really so serious it bears analysis –

1325 ‘Gibraltar is falling off the wagon or veering from the course set by the GSD Government back in 1996, a course away from criminality, a course away from the easy come, easy go criminal lifestyle.’

1330 He is saying, that under this Chief Minister, Gibraltar is veering towards criminality, easy come, easy go criminal lifestyles. That is what he is saying. He is saying, and I will repeat it because he is saying he did not say it:

‘Gibraltar is falling off the wagon or veering from the course set by the GSD back in 1996, a course away from criminality, a course away from the easy come, easy go criminal lifestyle.’

1335 If we are veering away from that course, we are veering towards it. That is what he is saying.

Well look, whatever our position is in respect of the Fishing Agreement, I have made very clear in Gibraltar and internationally, the importance of adherence to the rule of law, even if it has resulted in diplomatic incidents. That is the importance of the rule of law in Gibraltar today. Since 1999, the rule of law was something which had a massive crack in it.

1340 But what is it that makes the hon. Gentleman think that we are veering off course? Is it that we have spent more money in employing police officers than they ever did? Is it that we have given more resources to the Police than they ever did? Is it that we have bought them more assets for their marine section than they ever did? Is it that we are talking about the Customs Department becoming a Law Enforcement Agency or recognised as being a Law Enforcement Agency; that we are buying them vehicles for once so that they do not have to rely on confiscated vehicles; that we are buying them four vessels? Is that what makes him think?

1345 He does not realise the importance of what he is saying. What is an international investor going to say if he reads Mr Figueras’ speech? ‘Hang on a minute, Gibraltar is falling off the wagon! It is not going where the GSD was taking it, we are now going towards criminality, easy come, easy go criminal lifestyles.’

1350 Anybody who reads today’s *Gibraltar Chronicle* would take that to be the meaning of what he said. I have never heard anything more irresponsible or ridiculous uttered in this place by anyone! He should consider his position and resign his seat, *now*. He should not wait for the morning of after the By-election. *Nobody* in our community is going to accept that that is something that a parliamentarian should have said in this place today, especially given the massive investment in the forces of law and order in our community which goes beyond *anything ever invested by any Government, the huge commitment, the unimpeachable commitment in the rule of law*, which they have criticised.

1355 So frankly Mr Speaker, although he can pretend not to care and joke, the rest of his speech was just like the white noise that one gets when you are not able to tune a channel in on the television – until he got to the accusation of cronyism. This is a common GSD theme and it has to be exposed. It is a common GSD tactic: throw as much mud as possible, even if it is untrue, some of it may stick.

1360

But, Mr Speaker, this is the Parliament of Gibraltar on the Second Reading of the Bill on the appropriation of money for the use of the year. It is not the Comedy Club. This is not 'Live at the Apollo', Mr Speaker. So I am going to have to deal with the allegation, even though it is ridiculous.

1365 He said we were creating jobs for the boys. Well, it is not true, Mr Speaker, it is not happening. We are creating jobs for Gibraltarians, regardless of their political colour. But they do not care, he just said it. He engaged mouth before brain.

1370 But of course, I cannot prove a negative. It is impossible to prove a negative, but I can debunk the examples that he gave of it. He talked about the Sardeña matter. Well, Mr Speaker, the Sardeña matter is not a piece of evidence of cronyism; it is the best possible evidence of abuse of power for the time that they were in administration, using the whole of the power of the Chief Minister of Gibraltar from No. 6 Convent Place to victimise an individual.

1375 But what happened? He has not had an award from the Industrial Tribunal, he has not had a job. Where is the cronyism? That we withdrew a defence, a defence that cost more, *much more* than the maximum the man would have got from the Industrial Tribunal. It has not happened yet, but it does not stop Mr Figueras.

I am going to do the research he should have done. I have got the definition from the Oxford Dictionary of what 'cronyism' means. It is this:

1380 'The appointment of friends to Government posts without proper regard to their qualifications.'

1385 Ay, ay, ay! Does he not remember, because he was here, the Question Time debate – although Mr Speaker would rightly say we should not have them at Question Time – about the Culture Agency, when the hon. the backbencher took away the list of people I gave him that he employed *a dedo* without interview and said he was going to come back and dismiss and debunk all of that suggestion that I had made – and we are still waiting?

1390 I will tell you what I have done, Mr Speaker. I have asked the Chief Secretary to produce a list of people who were employed without interview at the time that they were in Government, (*Laughter*) in the Civil Service and in the public sector more generally. It is taking so long to compile, it is not yet ready. There are so many people on that list. Now, if somebody is employed without interview because somebody says so, then I put it to him, Mr Speaker, that that is cronyism.

1395 But if they think that that is not cronyism, something which has not happened since 9th December 2011, but was rife before that date, I will give them another few examples of cronyism *à la* GSD. What about the *Seven Days*, giving somebody who was not a journalist, no qualifications, £150,000 to publish a rag every Friday saying how good they were, how bad we were, not one other advert in there that paid its way, wholly funded by the Government of Gibraltar, to attack the Opposition? That is cronyism. In fact, they were probably written *inter alia* by people who are now sitting on that side of the House. That is cronyism of the worst sort: paid to an individual who is related to somebody sitting on that side of the House, £150,000 of taxpayers' money to do their dirty partisan work.

1400 I will tell him something, Mr Speaker, there was a leaflet, a newsletter ready to go out to the residents of Waterport Terraces, of Cumberland, of Bay View, of Nelson's View, telling them about the changes that were happening in their estate as a result of us having to spend £10 million to fix the fracas that they left behind. I have stopped it; it is not going out until after the By-election, because I did not want it to interfere with the democratic process.

1405 You spent, when you were in power, hon. Members, £150,000 on just one publication related to one of your members of the Executive in this House.

1410 Then he says that people who cross us suffer consequences. Well, Mr Speaker, that was true when they were in power. Mr Sardeña is living proof of it. Joanna Hernandez is living proof of it – thank God! So is her daughter. *VOX* is on-line proof of it; no longer print proof of it, because all adverts were withdrawn when the editorial line turned anti-GSD.

1415 I am living and successful proof of it, Mr Speaker. Or is it that he, my erstwhile friend, has forgotten what it was that they tried to do to me, to suffer consequences? As soon as it appeared that I might become Leader of the Opposition and whilst I was, there was a concerted effort, led from No. 6 Convent Place involving I believe, but I cannot prove, the Hon. now the Leader of the Opposition, headed by Mr Rafael Benzaquen – the one who took the £¼ million for legal work that we cannot find – to have me disbarred; to stop me from earning a living; to stop me from being able to pay my family's mortgage; just like they were doing to Sardeña and to Hernandez; just as they did to *VOX*. That is people suffering personal consequences as a result of crossing the GSD! That is the *disgusting* behaviour to which they sank, and that is the flank which he opened, when he made that baseless allegation of those things having happened after 8th December 2008.

1420 I will tell him more, because he is an erstwhile friend, they did not even have the courtesy to grant me an adjournment of the hearing the day after my father had died. The GSD and all members of its



Executive insisted that I turn up to this trumped-up charge by the Bar Council or at the Bar Council by them, by Mr Benzaquen and others in the GSD, the day after my father had died.

1425 So, Mr Speaker, if the hon. Gentleman wants to talk about people suffering consequences for crossing people politically, he is talking about the Party he represents, because the Party I lead will *never* visit consequences on *anybody* because they cross us politically.

1430 So frankly, Mr Speaker, despite our friendship, I was very dismayed that he demonstrated that he does not deserve to hold a seat in this Parliament to represent the good people of Gibraltar. Some people are obviously just elected because of the Party epithet that they carry, and if there is one thing that is true about the Party system, it is that he has demonstrated that if he had to stand on his own two feet and did not have three Party initials behind his name at an election, he would not be here today, if that was the sort of argument he made to the general public.

1435 He did not mention, Mr Speaker, *one figure* in his intervention. In this debate on the Estimates, he did not mention one *number*. You need to come prepared to this House to discuss numbers and figures in a debate on public finances and the economy, and I say to the hon. Gentleman he is actually much better cast in the role he does so well of the bumbling comedian, rather than of the useless rogue armed with broken facts that have no basis in reality.

1440 Like the argument of the golden legacy, Mr Speaker, which was clearly the reality of the poisoned legacy which the public will see today, when I publish the Financial Secretary's memoranda. Of growing debt, of decreasing usable cash reserves, not enough to get us through to the end of the financial year, which we found; or the housing waiting list that we found that had gone up from 400 in 1988 to 1,500 when we took over; to an unemployment that was over 1,000 people in Gibraltar, that is the poisoned legacy that the Party opposite left Gibraltar. They must have alchemist's spectacles if in that poison, they see gold. Because their new less than sophisticated slogan is *pa'lante*, Mr Speaker because they do not want anybody to look back.

1445 I guess things may look golden in this Twilight Zone in which they operate – or perhaps the 'twilight' is that these are the twilight years of the GSD. All that does really help to describe Members opposite as a team: a Twilight Zone of people making facts up, which is what has characterised what we have heard.

1450 Even Mr Bossino's interventions, completely undone by the facts that Mr Feetham gave away during the General Election campaign.

The unemployment figure obviously down by half from that 1,000, given that we have added 524 Gibraltarian jobs and the number is down to 522.

1455 Even in the Finance Centre, which Mr Figueras said is the biggest hostage to Joe Bossano, jobs are *up* 200; gross debt is down 27.5%; net debt will be down by this time next year, 10%; the minimum wage is up; but electricity, social insurance and rates remain static; a bigger reduction in the cost of doing business in Gibraltar, than the percentage rise in the minimum wage; tax liabilities are down on the allowance based system and new deductions are introduced on the gross income based system; allowances for the disabled are up; personal allowances are up; and usable cash reserves are up from £20 million – or dare I say £2.1 million when we finished the year – to £85 million, *25 times the number*.

1460 *Nothing* they have said has taken *any* of the shine off of this brilliant Budget for our community. *None* of the arguments they have put have tarnished the clear benefits for people from across our community.

1465 This Budget, Mr Speaker, of real social justice remains a testament to our continued delivery of our manifesto commitments. That is why the work we are doing here is so welcomed by many in our community. We are rightly seen by objective observers to be not a good Government, Mr Speaker, but an *excellent* Government and that is the work – given that they introduced this into the debate – that is the work that Albert Isola would be adding to, if he is elected on Thursday to join us on the Government benches.

1470 Helping to deliver lower debt, higher usable cash reserves, a larger kitty for Community Care and for the elderly in our community, more homes for our people, more jobs for those that need them, more investment in Gibraltar, Albert Isola is a man proven in business and in politics, Mr Speaker. He is the only candidate at this election with experience of Parliament. He is the only candidate who if he is elected I will make a Minister and will have the chance to work for our community in Government.

1475 But until then, Mr Speaker, our community cannot be without an appropriation and *nothing* I have heard persuades me to do anything other than to continue to commend this Bill to the House. **(Government Members: Hear, hear.)** *(Banging on desks)*

Can I invite you to recess the House now until 3.15 p.m.?

1480 **Mr Speaker:** Yes. I now put the question which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2014 be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

1485 **Clerk:** The Appropriation Act 2013.

**Appropriation Bill 2013**  
**Committee Stage and Third Reading to be taken the same day**

1490 **Mr Speaker:** May I ask the Chief Minister now to give notice about the Committee Stage.

1495 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if all hon. Members agree, I would ask that the Committee stage be taken later today.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

1500 So the House will now recess to 3.00 p.m. for that purpose – (**Several Members:** 3.15.) 3.15? Even better! (*Laughter*)

*The House recessed at 1.05 p.m. and resumed its sitting at 3.20 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.20 p.m. – 7.35 p.m.

Gibraltar, Thursday, 27th June 2013

## The Gibraltar Parliament

5

*The Parliament met at 3.20 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

10

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

15

### **Companies (Amendment) Bill 2013 First Reading approved**

**Clerk:** A Bill for an Act to amend the Companies Act.

The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

20

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Companies Act be read a first time.

25

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Companies Act be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

30

**Clerk:** The Companies (Amendment) Act 2013.

35

### **Companies (Amendment) Bill 2013 Second Reading approved**

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill amends the Companies Act to make provision within the main Act itself for the charging of supplementary fees where documents which are required by the Act to be given, delivered, sent or forwarded to the Registrar or lodged by him within a specified time are either given, delivered,

40 sent, forwarded or lodged outside the specified time, or where substitute documents are similarly given, sent and delivered to the Registrar outside the specified time.

The supplementary fees, which are specifically set out in Clause 2(b) of the Bill, are payable in addition to the fee due at the date that the late or substituted document is delivered or sent or forwarded to the Registrar, and that is provided in the table in schedule 8 of the Act.

45 I would just add, Mr Speaker, that this is an amendment to the Companies Act. As I mentioned on a previous occasion, and indeed during the presentation of the Budget debate, we have finalised, in fact, a new Bill to bring in a new Companies Act, as we have already said. So what we are doing is amending the current Companies Act and this amendment will simply be carried through into the new Companies Act when it is presented. I believe it will be presented to Parliament later on this year.

50 Mr Speaker, I commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

55 I now put the question, which is that a Bill for an Act to amend the Companies Act be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Companies (Amendment) Act 2013.

60

**Companies (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

65 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later on today, if all hon. Members agree.

70 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Limited Partnerships (Amendment) Bill 2013**  
**First Reading approved**

75

**Clerk:** A Bill for an Act to amend the Limited Partnerships Act.  
The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

80 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Limited Partnerships Act be read a first time.

85 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Limited Partnerships Act be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Limited Partnerships (Amendment) Act 2013.

90

**Limited Partnerships (Amendment) Bill 2013**  
**Second Reading approved**

95 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, I shall explain, first of all, the context in which this Bill is presented, and that is in the context of the efforts that the Government is making to boost and to reactivate the funds industry in Gibraltar.

100 As the House well knows, and as has been well publicised and we have clearly shown, the Government and the Finance Centre Department are making great efforts in this regard. The number of

employees in the Finance Centre Department is now double what it was last year: it is now up to nine. We have Senior Executives engaged and we have increased the funding for the marketing of Gibraltar and specifically in relation to the funds industry.

105 Specifically on funds, we have already attended, last year and this year, a number of events, a number of conferences, where the Finance Centre Department has exhibited in those conferences. In particular, last week there was one in Monaco in which we spoke and exhibited in the same way as we did last year. We have also been to another one and exhibited in Zurich, specifically on funds. We have travelled in relation to the activities of promoting Gibraltar as a funds jurisdiction to various places. Again, as has been publicised already, I have spoken to investors in Brazil at a conference there, I have spoken to fund managers in Switzerland, I have spoken and addressed professionals in London, and all of this has been done in collaboration with the industry.

110 It is very gratifying to see that the Government and the industry – the funds industry in particular – are working so well together in promoting Gibraltar as a funds jurisdiction. In this regard, let me say, for example, in the conference in Brazil, the Chairman of the Gibraltar Funds and Investments Association was there supporting the Government, as have been other industry practitioners in the events that we have been to in London and in Switzerland.

115 The industry itself has also organised events which have, in turn, been supported by Government. An example of this: last year, there was a breakfast meeting for journalists, which I attended and which led to... or part of that event was an interview that I carried out with the *Mail on Sunday* and also on Bloomberg Television, and then that same day there was an evening event with funds professionals in London, which was attended by the Chief Minister and he addressed them.

120 As the hon. Members know, there are various ways in which a fund can be established in Gibraltar and different mechanisms that can be sought. We are already seeing some of the fruits of the efforts that the Government is making – not just in marketing, but hon. Members will recall that last year we brought in new regulations in relation to Experienced Investor Funds. One of the matters that those regulations did was to remove a constraint in relation to the administrator that could be used. There was a restriction that a Gibraltar fund had to use a Gibraltar-based administrator, and that created difficulties in the establishment of a large fund that required the administration expertise that was simply not available in Gibraltar. There was that inhibiting factor in the expansion of the funds industry in Gibraltar.

125 We are particularly keen in attracting those sort of funds and we are going to see and we are seeing already some interest in the context of the new directive which is about to be published, or transposed, next month – the Alternative Investment Fund Managers Directive – where one of the effects of the Directive will be to allow fund managers in Gibraltar to market – to passport, essentially – throughout Europe to 500 million investors, and that creates interest in being in Gibraltar, being established in Gibraltar to be able to take advantage of the facilities that the Directive will provide.

130 One of the things that will arise from that is the possibility of a redomiciliation of funds. For example, funds which are established in, say, the Caribbean may want to have a European presence and may therefore want to redomicile and create a new structure in Gibraltar.

135 There will also be the possibility of funds which are established and want to remain in their location outside Europe but they want to have a mirror or a parallel structure for European investors, and that mechanism will be available through the directive.

140 But we need to have the mechanisms and the resources available in Gibraltar for different types of funding arrangements, different types of arrangements for the establishment of funds. As the hon. Members know, one of the most common types of arrangement is simply through a corporate structure, but that is not the exclusive way in which a fund can be structured. There is also the possibility of using limited partnerships. At the moment, the legislation we have – the Limited Partnerships Act – has a restriction on 20 limited partners – the maximum number of partners that there can be would be 20 – and in the context of funds business it is possible that you may have more than 20 investors who choose a limited partnership structure and who would themselves become partners of the limited partnership, and therefore it is not possible at the moment to have that sort of structure with more than 20 investors, given the restriction on 20 partners that exists.

145 Curiously, in the UK the position under the Limited Partnerships Act 1907 is that there was a limit on 20 partners, and in 2002, by what was called the Regulatory Reform (Removal of 20 Member Limit in Partnerships etc.) Order 2002, that cap of 20 partners was removed. So a consequence of what we are doing today with this Bill is to align ourselves with the UK with regard to limited partnerships, but that is not the reason why we are doing it. We are not doing it simply because that is the position in the UK. We are doing it because representations have been made to the Government by the industry, specifically through GibFIA, which represents the funds industry in Gibraltar. The Government has considered the matter and has agreed that it is a good idea to open up the possibility of limited partnerships being available for fund structures of this kind.

150 Therefore, it is one other avenue which we want to make available to the funds industry to help the Government and for the Government to be able to help them to boost and reactivate, as I mentioned

165 earlier, the funds industry, because the stated aim of the Government... and as we have already mentioned, we are positioning ourselves as a truly viable and good regulated alternative jurisdiction for funds within Europe, as an alternative to the traditional jurisdictions of Dublin and Luxembourg, and the aim of the Government... It will not happen overnight, but the aim of the Government is for Gibraltar to become the jurisdiction of choice within Europe for the funds industry. This is just one other avenue which will help us get there.

170 On that basis, Mr Speaker, I commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

175 The Hon. Selwyn Figueras.

**Hon. S M Figueras:** Mr Speaker, yes.

I am grateful for the Hon. Minister's contribution on this Bill, which we will be supporting.

180 I am happy to associate myself with the Minister's remarks in respect of the work that is going into promoting Gibraltar as a European funds domicile of choice. In the professional context, I do travel and have travelled to Switzerland recently in that specific context, in terms of attracting asset managers to Gibraltar, and can report that it is certainly looking very good for Gibraltar in that context, particularly given the rapidly changing regulatory environment in Switzerland, which is having its positive effect on our attractiveness in that context.

185 I also note the Minister's comments in respect of the change in regulations to allow foreign administrators to administer funds in Gibraltar and I would just ask the Minister if he would be so kind as to point out whether there have, in fact, been any instances where administrators have already taken the initiative to do that.

190 And say no more than that this initiative is certainly one that has full support from the Opposition benches, and on that basis I have nothing more to say. I am grateful.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend –

**A Member:** The mover of the Bill.

195 **Mr Speaker:** The Hon. Mr Gilbert Licudi.

**Hon. G H Licudi:** Mr Speaker, I am grateful.

200 I am *very very* grateful, in fact, for the words from my Hon. Friend, Mr Selwyn Figueras, of support for what the Government is doing. It is not just support for... clearly not support for the Government; it is support for the industry it is support for Gibraltar.

It is true, as the hon. Member has said, that things are changing in Switzerland and we are seeing interest, and that is why Switzerland has been specifically targeted, because there are fund managers and professionals in Switzerland who are looking at Gibraltar.

205 The hon. Member asks about the opening up of the possibility of foreign administrators. It is, in fact, something that I had intended to mention earlier and I am very grateful that the hon. Member has reminded me. We have seen some interest from foreign administrators who have already applied to Gibraltar for approval. I have already approved, quite recently, three foreign administrators of very substantial calibre: two of them based in Ireland and one of them based in Luxembourg, I seem to recall.

210 So the opening up of the market, the opening up of the jurisdiction is already bearing fruit and we are seeing interest – not just in an increasing number of funds, but an interest by foreign administrators who want to be associated with a jurisdiction and who want to have the Gibraltar approval so that they are able to take on the administration of Gibraltar-established funds.

215 The advantage of that is not just that funds that are established in Gibraltar will have access to those administrators, but these administrators are clearly in the industry, dealing with fund managers, dealing with professionals, dealing with structuring, and if they have an interest in Gibraltar it is because business will come our way, possibly through those avenues, and they will retain the administration of those funds.

So it is *very very* positive news and I am very happy to announce today that three foreign fund administrators have already been approved by me.

220 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Limited Partnerships Act be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

225 **Clerk:** The Limited Partnerships (Amendment) Act 2013.

230 **Limited Partnerships (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill will be taken today, if all hon. Members agree.

235 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

240 **Mental Health (Amendment) Act 2013**  
**First Reading approved**

245 **Clerk:** A Bill for an Act to amend the Mental Health Act.  
The Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Mental Health Act be read a first time.

250 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Mental Health Act be read a first time.  
Those in favour? (**Members:** Aye.) Those against? Carried.

255 **Clerk:** The Mental Health (Amendment) Act 2013.

**Mental Health (Amendment) Act 2013**  
**Second Reading approved**

260 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

265 Mr Speaker, the Mental Health Act 1968 is in the process of being extensively amended in order to bring it up to date with current legislation, particularly that in the UK. This is a lengthy process which involves a great deal of consultation, particularly with the professionals, both within and outside the Health Service, who deal with mental patients.

In the meantime, what this Bill sets out to do is to... Without amending the main aspects of the Act, but as an interim measure it is updated in the sense that it would allow the Minister and the Government, in place of the Governor, to be empowered under the Act.

270 One example which I may mention, Mr Speaker, is the need for the Mental Health Tribunal to be renewed shortly. This is currently something that the Minister cannot do – the Governor does – and this amendment will allow the Minister to appoint the new Mental Health Review Tribunal. This is just one example.

275 We are taking the opportunity also to update some other aspects: for example, changing referral to the Criminal Offences Act to the Crimes Act 2011.

To summarise, this is an interim measure to be able to allow the current Mental Health Act to be used more effectively and be more consistent with other legislation. I expect to be bringing an amendment to the Act in full, hopefully within the next six months or so.

I therefore commend the Bill to the House.

280 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Mental Health Act be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

285 **Clerk:** The Mental Health (Amendment) Act 2013.

290 **Mental Health (Amendment) Act 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health and the Environment (Hon. Dr J E Cortes):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

295 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

300 **COMMITTEE STAGE**

**Appropriation Bill 2013**  
**Mental Health (Amendment) Bill 2013**  
**Companies (Amendment) Bill 2013**  
305 **Limited Partnerships (Amendment) Bill 2013**

**Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

310 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House now resolve itself into Committee and look at each item clause by clause.

*In Committee of the whole Parliament*

315

**Appropriation Bill 2013**  
**Clauses considered and approved**

320 **Clerk:** A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2014.  
Clause 1.

325 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2, Consolidated Fund Expenditure – Head 1, Treasury, subhead 1, Payroll. No.

**Mr Chairman:** Do any hon. Members have any questions on payroll?

330 **Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Proceed then.

335 **Clerk:** Head 2, No. 6 Convent Place, subhead 1, Payroll.

**Hon. D A Feetham:** Mr Speaker – (**A Member:** Mr Chairman.) Mr Chairman – I beg your pardon – Mr Chairman, we see... if one looks at discretionary payroll, discretionary, and we see that the estimate for discretionary was £180,000 and the actual forecast was £330,000, can the Chief Minister explain and account for that increase in that particular head?

340 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that seems to be an overtime issue, as he can see from the head, of course, as he said, and it is just an increase in overtime relating to work done. It is not something that I tend to get involved with. I assume it is all the work done in preparing answers to Questions etc.

345



**Clerk:** Subhead 2, Other Charges.

350 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, with respect to subhead (12), Grants and Other Grants, could we have a breakdown of what the £610,000 was for and what the £530,000 estimated is also for?

355 **Hon. Chief Minister:** Mr Chairman, things like Commonwealth Fund for Technical Co-operation; Gibraltar Branch of the British Red Cross; there is a grant to the GGCA, which is made annually and which increases with the cost of living; the Gibraltar Squadron for Air Training Corps; there is a grant to the Equality Rights Group (GGR); the Multiple Sclerosis Therapy Centre; the Ecclesiastical Society; the GSPCA; the GSVI; the Diabetic Association; the Gibraltar Society League for Cancer Relief; another Gibraltar Society for Cancer Relief; the Hospice; the League of Hospital Friends; the Society for Disabled Children; the St John's Ambulance; the Christian Mission Trust; the South District Senior Citizens' Club; the Catholic Community Centre; Gibraltar in Europe, formerly known as the European Movement; the Learning from Auschwitz Fund; and the Commonwealth Institute. That is what makes that up.

**Hon. D A Feetham:** Mr Chairman, rather than confine myself on these two pages just to one query, I would like to just outline a number of them so that you can deal with all of them, rather than have an exchange – if that is okay with you, Mr Chairman.

365 Mr Chairman, if one looks at Other Charges, (5)(g), there is an increase in Electronic Data Communication Gibtelecom from £380,000 to £615,000 – if he could explain that.

Then, Other Charges (14), Research, Development Studies and Professional Fees, there is an increase from £34,000 to £200,000. Again, I would ask for an explanation in relation to that.

370 Advertising Notices, at (21), there is an increase from zero to £450,000 and Media Monitoring Services from zero to £120,000. I think probably the Advertising and Official Notices, perhaps that has been transferred from another head onto here, but certainly Media Monitoring Services... I have not seen it, but I will be corrected if I am wrong in relation to Media Monitoring Services, and I wonder what that relates to.

375 **Hon. Chief Minister:** Mr Chairman, starting with the Media Monitoring Services, that is the service that we are now providing in Spain, which is monitoring and setting out of Gibraltar press releases on a daily basis in Spanish, as he knows. This is the announcement that we made recently that we were starting this service.

380 The Advertising and Official Notices, he is right, has just come from somewhere else in the Book and that is why it is zero going up to £450,000.

And on the Electronic Data Communications, I am just going to get the information for him.

**Mr Chairman:** Any other questions?

385 **Hon. Chief Minister:** Mr Chairman, in relation to 5(g) I am told this is an increase in the number of lines and an increase in the number of licences used as the intranet expands, and it is charged here.

390 **Hon. D A Feetham:** Mr Chairman, can the Chief Minister also deal with 2(14) – Other Charges (14), Research, Development Studies and Professional Fees – where there has been an increase from £34,000 to £200,000?

395 **Hon. Chief Minister:** This includes things like the power station study, something which was done by the University of Gloucester; a study of the slope stability at Sir Herbert Miles Road; something to do with Community Care; the fishing expert's report is also charged here. That is what makes up these amounts.

400 **Hon. D A Feetham:** Mr Chairman, if I may just go back to number (22), Media Monitoring Services. So that I understand it, this is nothing to do with press releases issued from Gibraltar that are published in Spain; this is to do with effectively monitoring the Spanish press for Spanish news media stories in relation to Gibraltar?

405 **Hon. Chief Minister:** No, the service does both. The service monitors the Spanish press and translates press releases which are not of a local nature, press releases which are of an international nature, and ensures that they are available on the Spanish news wires, if you want to call them that, on Agencia EFE, Europa Press etc. So it is a two-way street: we receive information from them on what is mentioning Gibraltar in the international press, principally the international press distributed in Spain; and we use that mechanism to put the Gibraltar press releases that have an international element as well.

**Hon. D A Feetham:** Mr Chairman, thank you very much.

410 And is this service provided... The payment is made to whom? Who provides this service? Is it partly people here in Gibraltar who are doing it; or is it being done by an agency in Spain, or elsewhere?

**Hon. Chief Minister:** It is as per the announcement that was made. I think that there were actually interviews granted to GBC on this issue by a group called Grupo Albi3n, who are the ones providing the service.  
415

**Hon. S M Figueras:** Mr Chairman, on (17)(b), Staff Services, it has gone from zero to 130,000. Perhaps the Chief Minister can shed some light on that.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** That is the services where the employees are shown in the appendix under the GDC and charged to this head of the Government. It is in every Department there is an element of staff that is GDC as opposed to Civil Service.  
420

**Hon. Chief Minister:** If he looks at the number, Mr Chairman, before – the forecast outturn for 2012-13 – he will see it is actually split up as 130,000 and 33,000. What is being done at the moment, I am advised – and the year before it is 33,000 and 85,000 – is that the figure is now being given as a round figure because it is the GDC figure of 191,000.  
425

**Hon. J J Netto:** Mr Chairman, if I may, under subhead (11), Protocol, Travel and Entertainment, there is a forecast outturn there of 180,000. Is it possible to have a breakdown of the forecast outturn in terms of how much has been spent on protocol, how much has been spent on travel and how much has been spent on entertainment?  
430

**Hon. Chief Minister:** Mr Chairman, yes, if he is asking for the breakdown between protocol and entertainment. The travel is the line below, so he has got travel. He wants to know what is protocol and what is entertainment, yes?  
435

**Hon. J J Netto:** Correct.

**Hon. Chief Minister:** I am told it is not available, Mr Chairman, but we can get No. 6 to break it down. So, if he writes to me and just reminds me of that... As I have told him before, I will not give him detail of it but I will give him what he has asked me for, which is what is protocol and what is entertainment.  
440

445 **Hon. J J Netto:** I am grateful.

**Mr Chairman:** Any other questions?  
Head 2, No. 6 Convent Place stands part of the Bill.

450 **Clerk:** Head 3, Customs, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Mr Chairman:** Head 3, Customs, stands part of the Bill.

455 **Clerk:** Head 4, Broadcasting, subhead 2, Other Charges.

**Mr Chairman:** Head 4, Broadcasting, stands part of the Bill.

460 **Clerk:** Head 5, Income Tax, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Mr Chairman:** Head 5, Income Tax, stands part of the Bill.

465 **Clerk:** Head 6, Parliament, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Mr Chairman:** Head 6, Parliament, stands part of the Bill.

**Clerk:** Head 7, Human Resources, subhead 1, Payroll.

470 Subhead 2, Other Charges.

**Hon. S M Figueras:** Mr Chairman, yes. Subhead 2(5), Early Exit Schemes, had an estimate of £100,000 and a forecast outturn of £463,000. Perhaps some information can be provided in respect of that.

475

**Hon. Chief Minister:** Mr Chairman, I am going to [*inaudible*] I assume all of the Early Exit Schemes are booked here, so this is likely housing etc. but I will just... the garage as well.

The sorts of things that we have here are principally Housing Works Agency's payments etc, making up all the Early Exit Schemes throughout the GOG.

480

**Hon. S M Figueras:** I am grateful.

**Mr Chairman:** Head 7, Human Resources, stands part of the Bill.

485

**Clerk:** Head 8, Immigration and Civil Status, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Mr Chairman:** Head 8, Immigration and Civil Status, stands part of the Bill.

490

**Clerk:** Head 9, Financial Secretary's Office, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Mr Chairman:** Head 9, Financial Secretary's Office, stands part of the Bill.

495

**Clerk:** Head 10, Procurement Office, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Mr Chairman:** Head 10, Procurement Office, stands part of the Bill.

500

**Clerk:** Head 11, Civil Aviation, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Hon. D J Bossino:** Yes, Mr Chairman. If I could take the Minister to 2(1)(a), where we see a forecast outturn figure of £2.7 million and then that goes down to £2 million – can he explain why that is?

505

**Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Chairman. This is the Commercial Use Agreement with the Ministry of Defence. The sum is fixed. The payment has been fixed for a number of years. We are now in discussions with them for a new agreement, and that figure reflects the expectation that we will be paying less.

510

**Mr Chairman:** Any other questions?  
Head 11, Civil Aviation, stands part of the Bill.

515

**Clerk:** Head 12, Town Planning and Building Control, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Hon S M Figueras:** Mr Chairman, yes. If I could take the Minister to subhead 2(2) the total amount has gone from £26,000 to £51,000, and now is estimated at £133,000 perhaps. I would be keen to hear from the Minister what initiative this is... This is obviously as a development of the Department... whether he has any idea of what initiatives that includes.

520

**Hon. Deputy Chief Minister:** Yes. The increase from £51,000 to £133,000 is made up of two... essentially two components. One is the land and property management vote. We found increasingly many repairs to buildings and properties, and even plots of land that need to be secured, are being funded through this vote, and we found last time that there was actually a considerable amount of work in different places was being charged to it. That is why we expect to have more work in the coming year which we need to pay for.

525

The other one is the Town Planning Geographical Information System, which is being led by the Town Planning Department and which is spread across all the Government. That reflects the anticipated expenditure in that subhead.

530

Sorry – was the question to do with the underspending or with the difference in... with increase?

**Hon. S M Figueras:** Yes, Mr Chairman, I am grateful for that.

535 Is the Minister able to say what this Town Planning Geographical Information System does, Mr Chairman?

**Hon. Chief Minister:** Mr Chairman, the hon. Gentleman and I were having a discussion about this the other day in the Antechamber, I think, about being able to photograph something and show it outside of social media but in something that would be accessible to citizens, for them to see where things are happening on the map of Gibraltar. It is a system that was commenced... the work was commenced on 540 this about three and a half years ago, I think. It is a very technical system.

Apart from that, it also contains data as to, for example, where pipes and services are; it contains information on what is happening in a particular part of the geography, and it is all... The hon. Gentleman will understand it is a little bit like layers on Google Earth. So there is a Google Earth-style picture of Gibraltar with different layers, which are put on by each Department. 545

**Mr Chairman:** Head 12, Town Planning and Building Control, stands part of the Bill.

**Clerk:** Head 13, Health, subhead 1, Payroll. 550 Subhead 2, Other Charges.

**Mr Chairman:** Head 13, Health, stands part of the Bill.

**Clerk:** Head 14, Environment, subhead 1, Payroll.

555 **Hon. J J Netto:** Yes, Mr Chairman, if I may.

In relation to Payroll, either the money allocated for the estimate 2013-14 for the complement either for the Ministerial Office or indeed the Department of the Environment, which we are talking about in two and 24, does the estimate for this financial year represent everyone who is already in post, or are we talking about... that there may be room there for new posts that will be emerging during the course of the financial year, or perhaps even posts that are there from the past and, for whatever reason – retirement – need to be recruited during the course of this financial year? 560

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Chairman, at the moment there may be one or two vacancies. I think there is one, possibly two vacancies, maybe three. But other than that, it reflects the complement as is. 565

**Clerk:** Subhead 2, Other Charges.

**Hon. J J Netto:** Yes, Mr Chairman. If I can draw the Minister's attention to 3(e), Wildlife Ltd, in relation to the running of the Alameda Gardens, we see a higher increase in terms of the estimate for this new financial year over the forecast outturn of the last financial year. 570

Could perhaps the Minister explain why this is so?

**Hon. Dr J E Cortes:** Yes, Mr Chairman. It is in relation to the increase in the areas that are being restored in the gardens and bears particular reference to the Wildlife Park, which has been recently refurbished, and also to increased irrigation and water. As more areas are done up, irrigation has to be put in and obviously there are more water bills to pay. 575

There is a substantial increase in the areas that are being done by the Alameda Gardens and most of that is expected to be what is reflected in this. 580

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

Can I also ask the Minister, in relation to (h), Control of Seagulls, GONHS, we see there were more than double for the expenditure in this financial year to the forecast outturn.

585 Can the Minister explain why this is so?

**Hon. Dr J E Cortes:** Yes. It is actually not like that because, Mr Chairman, you have to add the other contract which is underneath, which is a contract which, in the first year, was I think about £190,000. Last year, I reduced it considerably.

590 So, what is happening there is that the work on gull culling, that used to be done partly locally but also partly by a contractor brought in from the UK, will now all be done locally. Therefore, it is not that there has been a doubling overall; it is just that it is not another contract – it will now all be done by the same local unit rather than partly done by FERA, which used to come over from the UK. That contract is not proceeding beyond last year.

595 **Hon. J J Netto:** Could I, for the sake of clarification and informing myself... Does it mean, or does it follow, that the increase... even though I take your point that it is not double, but the increase is because there will be an increase in the personnel employed under GONHS that will undertake such duties?

600 **Hon. Dr J E Cortes:** That is a possibility that is being discussed currently by way of extending the contract to take on the duties that were carried out by FERA.

**Hon. J J Netto:** So I take it, then, that these new extra services have not started already.

605 **Hon. Dr J E Cortes:** No. They are in the process of being discussed and finalised.

**Hon. J J Netto:** Mr Speaker, can I also draw the Minister's attention to the question of Surveillance, Monitoring and Other Compliance with Environmental Directives? There is an estimate here of £417,000 in this financial year. Could the Minister perhaps give us a breakdown in terms of how much of that money is allotted to things like surveillance or monitoring or other compliances under environmental Directives?

610 **Hon. Dr J E Cortes:** The vast majority. In fact, as far as I recall, the increase is certainly all in relation to EU environmental Directives. Most of the monitoring that we do is, in fact, in order to comply with EU Directives, so it is work that has to be done; otherwise, we would be in breach of the Directive and obviously subject to whatever action the EU would take, and that is why we have to do that. And as more Directives come in, obviously there has been an increase in the amount of surveillance and monitoring that we are obliged to do.

620 **Hon. J J Netto:** So, in conclusion, we can say that all the surveillance and all the monitoring stems from the fact of complying with environmental Directives?

**Hon. Dr J E Cortes:** Mr Chairman, I have not said 'all'; I have said the large majority of it, but not all.

625 We have to have the ability to do other monitoring and other surveillance in connection with our own needs in Gibraltar, and we have our own requirements for monitoring and surveillance; but the majority, particularly... A lot of the surveillance that is done for the EU is very technical and therefore requires a lot of equipment, equipment maintenance, spares and reagents and so on. So the majority yes, but not the full amount.

630 **Hon. J J Netto:** Could the Minister perhaps give a flavour as to what are the other ones that need to be surveyed and monitored?

635 **Hon. Dr J E Cortes:** Yes, I can certainly give a flavour. For example, the monitoring of marine activities, particularly with the imminent implementation of the new regulations to control diving and onshore fishing, spear fishing and so on – that requires monitoring. There will be other monitoring, for example, for endangered species, for populations of species.

Those are two that immediately come to mind, but during the course of the year, if ever we are, for example, considering taking on any particular project, then clearly the Department of the Environment will have to carry out surveys and monitor in order to ensure that there is little or no impact on the environment.

640 So, basically, it is to allow us to perform the functions of the Government, which likes to be informed in its decisions and therefore we have to invest in monitoring and surveillance.

645 **Hon. J J Netto:** Mr Chairman, without necessarily pressing too much on this question, will it be perfectly alright perhaps if I write to the Minister to get a more precise answer in relation to the breakdown as to how much money is allocated to EU compliance with Directives and how much is through local necessities as the Minister may deem necessary here in Gibraltar?

650 **Hon. Dr J E Cortes:** Mr Chairman, I do not think that the hon. Member requires my permission in order to write to me. He is obviously very welcome to do so.

I have more details which have very kindly been put to me, but it would be going through a rather long list, going through maybe eight or nine pages, so I think it would be best if we dealt with it outside, if there are no in-principle objections.

655 **Hon. J J Netto:** Mr Chairman, may I perhaps pose another question to the Hon. Minister, or shall I wait?

In relation to Other Charges, 2(6), Services provided by Gibraltar Cleansing Services Ltd; there is an increase in the estimate for this financial year over the forecast outturn. Is this necessarily perhaps because of an increase of other areas in cleansing throughout Gibraltar?

660

**Hon. Dr J E Cortes:** I have got it here. It is possible. We are constantly reviewing the areas that we clean and also want to increase the efficiency and want to have flexibility in order to be able to respond to some of the problems that we have inherited in relation to the rubbish that is found in different areas, so we want to have the flexibility to be able to do that.

665

**Mr Chairman:** Head 14, Environment stands part of the Bill.

**Clerk:** Head 15, Housing Administration, subhead 1, Payroll.  
Subhead 2, Other Charges.

670

**Mr Chairman:** Head 15, Housing Administration stands part of the Bill.

**Clerk:** Head 16, Equality and Social Services, subhead 1, Payroll.

675

**Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in relation to Overtime and Discretionary, there is an increase from the estimate of £5,000 to the outturn of £54,000. Could the Hon. Minister explain the reason for this?

680

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Chairman, the reason for that is very simple. It is that I work very late, and on many occasions so do my staff, and that is what accounts for the amount of overtime.

**Clerk:** Subhead 2, Other Charges.

685

**Mr Chairman:** Head 16, Equality and Social Services stands part of the Bill.

**Clerk:** Head 17, Education, subhead 1, Payroll.

690

**Hon. E J Reyes:** Mr Chairman on (d)(iv), under Temporary Cover for Other Absences, given that the maternity or paternity cover is covered under another head, can I ask the Minister can he give me an indication of what falls under the category of Other Absences, of which there is almost £150,000 projected increase from the actual outturn of last year? Can he give me an indication of what type of cover that is?

695

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, this is just for supply workers. There may be different reasons why we need temporary cover, not just on paternity or maternity leave. There might be sick leave, there might be long-term sick leave and there will be a need for supply cover in respect of absences.

700

As the hon. Member knows, particularly in Education, when there have been absences, there is every effort made to make sure that we have supply teachers in particular, but also supply cleaners and supply classroom aids available in order to make sure that the complement remains the same.

**Hon. E J Reyes:** Yes, I understand that, Mr Chairman. Perhaps I can explain myself better.

705

The estimate last year was £500,000, the forecast outturn is £450,000, so it is relatively close – what was actually spent to what is estimated. What has prompted the Minister, in this case, to now make... although he underspent £50,000 last year, he even now projects an additional £100,000 on top of what was the estimate last year, which was not needed. Therefore, he should, I think, have something in mind that would lead, or justify a bit why we are aiming for that higher figure. And it is not even a round number, £591,000 – it just attracts attention.

710

**Hon. G H Licudi:** The higher number for absences is explained in very simple terms: we have a higher number of teachers, therefore we expect to have a greater need for supply work.

715

Why specifically the £591,000? That is something that I will have to find out. I do not have the specific information on the £1,000. I can understand the hon. Member saying, 'Well, if the estimate was a rounded figure £600,000 or £580,000 or £590,000...' I can get the information for the hon. Member.

**Hon. E J Reyes:** I am grateful if he can find the information.  
Thank you, Mr Chairman.

720

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Head 17, Education, stands part of the Bill.

725

**Clerk:** Head 18, Policing, subhead 1, Payroll.

**Hon. G H Licudi:** Mr Chairman, is it possible to go back to the previous query, just for clarification and for the purposes of *Hansard*? I have been given the information that the hon. Member seeks.

730

The calculation has been made on the basis of a projection of the number of teachers that would be needed to provide that supply cover. The number of teachers is estimated at 23 multiplied by the salary, which comes out to £591,077. That is why the figure is specifically £591,000, based on the projected number of teachers that will be needed.

**Mr Chairman:** We are back to Head 18, Policing.

735

**Clerk:** Subhead 2, Other Charges.

**Hon. S M Figueras:** Mr Chairman, yes.

740

It is not the largest sum of money in the world, but it is subhead 2(2)(j), Dog Section Costs. I note that there was nothing estimated and a forecast outturn of £18,000 and now an estimate moving forward.

I was certain that there had been a Dog Section in the RGP for longer than this time. Is that not the case?

745

**Hon. G H Licudi:** Mr Chairman, no, the Dog Section is a new section to the RGP. It arose during the course of last year and there is clearly going to be a projected expense going forward.

**Mr Chairman:** Any other questions on Other Charges? No.  
Head 18, Policing, stands part of the Bill.

750

**Clerk:** Head 19, Financial Services, subhead 1, Payroll.  
Subhead 2, Other Charges.

755

**Hon. S M Figueras:** Yes, Mr Chairman, in relation to subhead 2(4), Contract Officers – Ministry, £134,000 estimated and 2(9), Contract Officers – Finance Centre, £300,000, I am aware that the Finance Centre has taken on more additional staff onto the complement, as well as the additional... Jimmy's. Is this the provision for those contracts?

760

**Hon. G H Licudi:** Mr Chairman, the first one, under the Ministry, reflects the engagement in the Ministry of Mr Christopher Riddell, whom we have mentioned in the House previously.

The other, under the Financial Services... or the Finance Centre, reflects the engagement of Finance Centre staff who are contract workers.

**Mr Chairman:** Head 19, Financial Services stands part of the Bill.

765

**Clerk:** Head 20, Prison, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Mr Chairman:** Head 20, Prison, stands part of the Bill.

770

**Clerk:** Head 21, Gibraltar Law Courts, subhead 1, Payroll.  
Subhead 2, Other Charges.

775

**Hon. D J Bossino:** Mr Chairman, 2(2)(b) – the item is Law Books and there is an estimated expenditure of £20,000 and an increase on the forecast outturn of £16,000. Can an explanation be given for that increase?

**Hon. G H Licudi:** Yes, Mr Chairman. There are now more courtrooms being used, as the hon. Member knows, and therefore there is a need for a greater amount of law books available for the different courtrooms.

780

**Mr Chairman:** Head 21, Gibraltar Law Courts, stands part of the Bill.

**Clerk:** Head 22, Gibraltar Regulatory Authority, subhead 2, Other Charges.

785

**Mr Chairman:** Head 22, Gibraltar Regulatory Authority, stands part of the Bill.

**Clerk:** Head 23, Attorney General's Chambers, subhead 1, Payroll.  
Subhead 2, Other Charges.

790

**Hon. S M Figueras:** Yes, Mr Chairman, subhead 2(3), Briefing Out – Specialist Matters. I now note, looking at it, that the estimate is actually lower than it was for this year, which explains it, so I do not need any information on that, thanks.

795

**Mr Chairman:** Any other question on Other Charges? No.  
Head 23, Attorney General's Chambers, stands part of the Bill.

**Clerk:** Head 24, Legislation Support Unit, subhead 1, Payroll.  
Subhead 2, Other Charges.

800

**Mr Chairman:** Head 24, Legislation Support Unit, stands part of the Bill.

**Clerk:** Head 25, Gambling Division, subhead 1, Payroll.  
Subhead 2, Other Charges.

805

**Mr Chairman:** Head 25, Gambling Division, stands part of the Bill.

**Clerk:** Head 26, Social Security, subhead 1, Payroll.

810

**Hon. D J Bossino:** Mr Chairman, I have got a note here... Oh, I see it suggests... because basically in the salaries... Yes, I think I have answered my own question.

Mr Chairman, the estimated figure is exactly the same estimated figure for the previous year, although it is likely increased from the forecast outturn for 2012-13. The question I was going to ask was why the increase, given that you have the same staff complement at the Department? You are simply making provision for the same estimated figure that you made provision for in the last financial year – is that a correct understanding?

815

**Hon. J J Bossano:** The provision is for the 35 bodies in the complement. Where, at the beginning of the financial year, it is expected that all the jobs will be filled, we make provision for the whole year, but sometimes the process of recruiting and filling vacancies does not take place at the beginning of the year, so, effectively, it is not until the end of the year that you get the results. So, the fact that it was £800,000 instead of £850,000 is because during the year there were vacancies that were filled later in the year, as opposed to being full the whole year.

820

**The Clerk:** Subhead 2, Other Charges.

825

**Mr Chairman:** Head 26, Social Security, stands part of the Bill.

**Clerk:** Head 27, Employment and Labour, subhead 1, Payroll.

830

**Hon D J Bossino:** Mr Chairman, I see that under the establishment figure there is an increase of administrative assistants and I think the Hon. the Minister addressed that point during the course of his Budget address, and it has been increased to 25. My first question is to confirm that these have been taken from the new complement of 40 AAs which were taken in by the Government.

835

I think he also said, during the course of his Budget speech, that at some point he would be making a decision as to where they would be placed within different Departments within the Government, and whether he has any idea as to when this is going to happen and where they are going to be placed? I am grateful.

840

**Hon. J J Bossano:** As I explained, I think, when I made my contribution on the general principles of the Bill, the 25 were put there simply to ensure that the money was available in the Estimates to pay the people who were recruited, and they are part of the 40 people that were recruited at AA level.

In fact, none of them are needed in the Employment Service and none of them are working in the Employment Service. The process that we are applying now is that where people get moved from one Department to the other during the year, they continue to be paid from the Personal Emoluments that



845 Parliament has voted; and then, at the close of the year, when they are putting in for next year's Estimates, they will be shown in the places where they have actually been working during this year.

I think there was a question addressed to the Chief Minister where he promised to provide, in writing, where they are now. My Department has not been involved in that distribution because that has been a matter effectively negotiated between the Human Resources and the Heads of Departments. We just provided a holding place so that we would be able to pay people from when they started on 1st July.

850 **Hon D J Bossino:** Presumably, Mr Chairman, that accounts for the increase in provision under the Salaries section from forecast... well, an estimated figure of £410,000 last year and now it has gone up to £700,000.

855 **Hon. J J Bossano:** That is part of the increase. The other part of the increase... What I have just said to the hon. Member about what is happening with the money here which will disappear at the end of the year happened in the opposite direction during the year, in that people were moved to this Department and there is a footnote showing where they were being charged last year.

860 For example, the hon. Member will see that there is a post that used to be in the Postal Services for a Higher Executive Officer. That Higher Executive Officer has, in fact, been working in this Department and been paid by the Postal Services until 31st March. From 1st April, which is when we are providing the money here, the money is being here and there is a corresponding decline in Head 39, and the same is true of other posts that are being made where there will be footnotes in the other pages.

865 For example, there was an officer in the Housing Department, who is the Head... Dr Coram who is the Head of the Training Unit. Although he was there last year, his salary still came from the Housing Department last year but now is being charged here, so that accounts for the changes.

870 But there is very little net real increase, because part of it is something that is going to disappear and part of it is something that has been deducted from other heads; so that, in fact, on the total emoluments of the Government as a whole, the difference is very little.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Head 27, Employment and Labour, stands part of the Bill.

875 **Hon. D J Bossino:** Mr Chairman, just by way of confirmation, if I can take the Hon. Minister to 2(3), entitled Gibraltar Development Corporation, there is a sum of around about £11.7 million, with staff services at £1.4 million. The total is £14 million. Can he confirm what that relates to? Is that in relation to the Future Job Strategy?

880 **Hon. J J Bossano:** That is correct. It is the same provision as there was last year. There is no provision for the increase in the minimum wage, but that will come through because there is a global figure which provides for pay increases for the whole of the expenditure of the whole of the Government. When that happens, which will be when the pay rises take place.

885 **Mr Chairman:** Head 27, Employment and Labour, stands part of the Bill.

**Clerk:** Head 28, Statistics Office, subhead 1, Payroll.  
Subhead 2, Other Charges.

890 **Mr Chairman:** Head 28, Statistics Office, stands part of the Bill.

**Clerk:** Head 29, Port and Shipping, subhead 1, Payroll.

895 **Hon. D J Bossino:** Yes, Mr Chairman. The estimate figure increases from the forecast outturn by £101,000, which is a substantial sum in the context of an establishment figure which remains the same. Can the Minister give me an explanation as to why that is?

900 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Chairman, could the hon. Gentleman take me to the figure he is actually citing? He mentions the figure, but not the actual... (1)(a), yes, thank you.

Yes, Mr Chairman, last year there were six vacancies, as opposed to two vacancies this year. As I mentioned to the hon. Gentleman during the course of my Budget address in respect of the Gibraltar Maritime Administration, we were able to fill those vacancies; hence the increase.

905 **Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Head 29, Port and Shipping, stands part of the Bill.

**Clerk:** Head 30, Tourism, subhead 1, Payroll.  
Subhead 2, Other Charges.

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**Hon. S M Figueras:** Yes, Mr Chairman, subhead 2...(e), Office Rent and Service Charges – there is no estimate or forecast outturn, and there is now an estimate, moving forward, of £8,000. I wonder whether perhaps the Minister can shed some light as to whether that is now required?

915

**Hon. N F Costa:** Sorry, Mr Chairman, 2... Which sub-number – (e)?

**Hon S M Figueras:** 2(1)(e).

920

**Hon. N F Costa:** Yes, Mr Chairman.  
It has been explained to me that the introduction of.... rents are being introduced throughout the Book, and the reason why they did not appear in previous years is because it did not feature in the Book, and now they are.

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**Hon. S M Figueras:** I am grateful. Is the Minister able to explain why it is that rents are now being introduced throughout the Book? Because I have seen it elsewhere, certainly.

930

**Hon. N F Costa:** Mr Chairman, unless any other hon. Member corrects me, it is my recollection that the former Hon. Chief Minister, Mr Caruana, introduced that measure in his last Budget address. I was not privy to his thinking or the reasons why.

**Mr Chairman:** Head 30, Tourism, stands part of the Bill.

**Clerk:** Head 31.

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**Hon. S M Figueras:** Sorry, Mr Chairman, there was one more item, actually, that I wanted to draw the Minister's attention to.

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It is Head 2, subhead (3)(a). The estimate was £712,000 and the forecast outturn was about £200,000 extra. I now note that the estimate is in that ballpark too. Would the Minister be able to provide some detail as to what was the additional expense of £200,000 that was not anticipated? That is subhead 2(3)(a), Gibraltar Tourist Board.

945

**Hon. N F Costa:** Yes, Mr Chairman. I have just been reminded that the reason for the increase relates to when we are placing adverts in different publications and they may have a touristic but also perhaps a port slant, and of course, because I am Minister for the Port and Tourism, I have ultimately taken the decision to advertise. We have included the cost in this subhead.

Also, it was further explained there are times when there are supplements, like with *The Times*, and it has been a publication which has interviewed various Ministers. My part of it will also be included here.

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**Hon. D J Bossino:** Mr Chairman, under Other Charges I have got a query, which is (12). The entry there is Advertising Management Services, and it is a new entry of £88,000. Previously there was not any estimate or provision made for this particular activity. Can the Minister explain what it is?

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**Hon. N F Costa:** Yes, Mr Chairman. As the hon. Gentleman knows, the Air Terminal has a whole series of LED screens, which had – and still have, some of them – very lovely pictures of different parts of Gibraltar, and part of the way that we have been trying to raise revenue in order to cover at least some of the costs of the Air Terminal is by generating revenue. As a result, we have obtained the services of a company to be able to obtain companies that wish to advertise at the Gibraltar Air Terminal, and work has very much progressed, actually, so you will soon be able to see... In fact, there are already some adverts which are up and running.

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**Hon. D J Bossino:** Does the Minister have this information? Does he know which company this is?

965

**Hon. N F Costa:** Mr Chairman, perhaps if the hon. Gentleman could write to me or ask me at the next session of the House, I will be able to provide him with the answer.

**Hon. D J Bossino:** Mr Chairman, finally, the final entry, which is described as ‘Relief Cover’, and a standard provision of £1,000 has been made for it – can the Minister give me details in relation to that particular entry?

970 **Hon. J J Bossano:** Mr Chairman, this is something we are introducing in every head this year in order to cover for things like maternity and long-term sickness absences, which previously existed in some and not in others; and there was a discrepancy. So the hon. Members will find that there are larger amounts of money where it has been traditional to have this, like in the Education, for example, and a token figure where it has not appeared before, and the token is £1,000.

975  
980 **Hon. E J Reyes:** Yes but, Mr Chairman, out of sheer curiosity should that not be under Payroll instead of Other Charges? What I exchanged before with the Minister for Education was rightly under the Payroll, and if this Relief Cover is to cover a physical employee, then why place it under Other Charges and not under the Payroll expenses?

985 **Hon. J J Bossano:** Because in the case, for example, of the Education, where it has existed for a very long time, what you have are people who are supply teachers... whereas in these other cases, the cover is provided usually by agencies that provide clerical support and provide it for *x*-number of weeks. Therefore, it is treated as an Other Charge because it is paid to a contractor.

**Mr Chairman:** Any other question on Tourism?  
Head 30, Tourism, stands part of the Bill.

990 **Clerk:** Head 31, Public Transport and Commercial Affairs, subhead 1, Payroll.

**Hon. S M Figueras:** Mr Chairman, yes.  
Under Payroll (1)(e)... (*Interjection*) Oh, I see. Yes, indeed.  
Mr Chairman, perhaps the Minister can provide a little more information in respect of the increase in complement, which is obviously provided for under the Payroll as well?

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1000 **Hon. N F Costa:** Yes, Mr Chairman.  
The answer lies in half of the financial year last year, and of course this financial year. The House will recall that on taking office, the distribution of responsibilities – the relevant ones – were shared between the Hon. Minister Bossano and I, and the new office of... my personal Ministry was created and at the time there was a particular complement. Subsequent to that, and as I said during the course of my Budget address this year, the responsibility for the Department of Consumer Affairs was transferred to my Commercial Affairs portfolio, so that there has been an increase there.

1005 The hon. Gentleman should also bear in mind that – and I also referred to that in my last Budget address, last year – was that we have created [*inaudible*] in the course of resourcing the Business Support Unit. Also, part of my office is the Trade Licensing, so between the Business Support Unit, the Consumer Affairs being transferred under Commercial Affairs, and the Trade Licensing, that makes up the numbers.

**Clerk:** Subhead 2, Other Charges.

1010 **Mr Chairman:** Head 31, Public Transport and Commercial Affairs, stands part of the Bill.

**Clerk:** Head 32, Technical Services, subhead 1, Payroll.

1015 **Hon. J J Netto:** Yes, Mr Chairman.  
If I can draw the Minister for Technical Services’ attention to (1)(k) – that is the salaries for the Engineering and Design personnel – we tend to see, across the columns there, quite a... figures going up and down from an actual of 2011-12 of £674,751 to an estimate for 2012-13 of £782,000, then the forecast outturn is £640,000, and now an estimate for this new financial year of £711,000.

1020 However, when I turn to look at the complement, which is shown in page 109, it is exactly the same in this new financial year as it was in the last financial year and, to my memory, the previous financial year. Can the Minister perhaps explain as to why the ups and downs of these figures?

1025 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Chairman, the under-expenditure is due to a number of unfilled vacancies at HPTO and PTO levels during the course of the year. Some have now either been filled or are in the process of being filled, and the estimate for this year reflects pay increases.

**Clerk:** Subhead 2, Other Charges.

1030 **Hon. S M Figueras:** Yes, Mr Chairman.

If I could draw the Minister's attention to subhead 2(5) on page 113 – Traffic, Transport and Parking Plan Survey – I was wondering whether the Minister could clarify that this is an estimate of expenses that Technical Services will be incurring over and above the payment that will be being made to Mott MacDonald in respect of the contract which is provided for under the Improvement and Development Fund at page 147? I can direct him to that subhead too, if it is helpful.

1035

**Hon. P J Balban:** Mr Chairman, these are the operational costs of actually carrying out the survey.

1040 **Hon. S M Figueras:** Mr Chairman, just one final question on that point. I note that there is no forecast outturn in respect of that head, despite the fact that the survey has already been carried out. Did that not incur expense, or is that to come by way of a supplementary?

1045 **Hon. P J Balban:** As far as I am aware, this is actually to do with the extra staff that were needed to carry out the survey *per se* – so people that are actually out there conducting the surveys – and these were drawing overtime payments and extra wages, for that purpose.

Sorry, the question... You asked why it was not there previously?

1050 **Hon. S M Figueras:** Mr Chairman, it may well be a matter of chronology, really, in that the estimate is for, obviously, this financial year and I am not certain when the survey took place. It has just finished now, has it? (*Interjection*) Of course, in which case it makes absolute sense, certainly, Mr Chairman, yes; I have no problem with that.

1055 **Hon. D A Feetham:** Mr Chairman, if I may? Is the Minister certain this is to do with overtime of public servants needed to actually conduct this survey; or is it to do... Because, you see, Mr Bossano gave a different explanation in relation to something different, but I am just drawing, by way of analogy... It may well be that this is not to do with public servants; that it is to do with perhaps young people or others who are not public servants, who have been contracted in order to help out with this survey. Otherwise it would have appeared in Payroll on overtime.

1060 **Hon. P J Balban:** Mr Chairman, the actuals... Yes, you are right, this would not be to do with overtime because that would actually appear under the Personal Emoluments. So this is to do, I am told, with things like stationery, which is purchased for the survey itself – clipboards, things that protect... visible jackets and all the things that were needed to be able to conduct the survey. Okay.

1065 **Mr Chairman:** Head 32, Technical Services, stands part of the Bill.

**Clerk:** Head 33, Driver and Vehicle Licensing, subhead 1, Payroll.

1070 **Hon. J J Netto:** Mr Chairman, could I ask the Hon. Minister, in Payroll, (1)(a), Salaries, we tend to have more money for the estimate in this financial year than was the forecast outturn of last financial year, but when I look at the complement figures it has gone down from 30 to 23 in this financial year. Could the Minister provide an explanation?

1075 **Hon. P J Balban:** Mr Chairman, the question being asked was actually answered last year. The reason for that was there was an under... it was an administrative error.

1080 **Hon. D J Bossino:** By way of confirmation, I think the explanation is on the face of the Establishment section, where there is an endorsement at the bottom of the footnotes which says that they were erroneously accounted for as Civil Servants, as opposed to GDC employees. Is that, just by way of confirmation, can the Minister confirm that that is the correct explanation?

**Hon. P J Balban:** Mr Chairman, that is correct.

1085 **Clerk:** Subhead 2, Other Charges.

**Hon. S M Figueras:** Mr Chairman, yes, two points. The first one, under subhead (2), Operational Expenses, (c) Driving Licences, could the Minister confirm that the estimate of £115,000 is more or less in the region of what the ongoing expenses of providing the new, more modern licences, is?

1090 And secondly, the new estimate... (*Interjection*) Yes, because it has gone up from £3,000, and then...  
(A Member: to £115) Yes. And subhead (6), on Tachograph Cards, could he perhaps provide us with some explanation as to that expense of £85,000 from zero forecast outturn?

1095 **Hon. P J Balban:** Mr Chairman, the money for these two laser engravers was actually taken out of an advance account last year and that now has actually been transferred to the I&DF account. There are actually two laser engravers to produce the photocard driving licences.

**Hon. S M Figueras:** So it is not for ongoing expenses of production of these licences? Right, that is fine, I am grateful.

1100 The second point, obviously, was in respect of the tachograph cards – the estimate of £85,000, where there was no forecast outturn for this year.

1105 **Hon. P J Balban:** Mr Chairman, the cards which will form the tachograph cards, they are actually provided by DVLA and they are actually adapted for Gibraltar's needs, so these cards are actually ordered directly from DVLA.

**Mr Chairman:** Head 33, Driver and Vehicle Licensing, stands part of the Bill.

**Clerk:** Head 34, Utilities, subhead 2, Other Charges.

1110 **Hon. J J Netto:** Mr Chairman, could I ask the Minister for Utilities, in relation to 2(3), Water - Contribution in Lieu of Water Tariff Increases, AquaGib Ltd, we had an estimate for the financial year 2012-13 of £560,000 and a forecast outturn of £1,050,000. Can the Minister provide an explanation for the movement of those figures?

1115 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Chairman, this is in relation to the MSF and the old distiller, and it was transferred... now we are producing through RO plants. When the RO plants were constructed... There are two private companies which are running the RO plants, and until we get the workforce from MSF to transfer to run the RO plants... We are hoping that by then we can finish the contracts with the two companies that run the two RO plants – one is Curtains, and Uni-Flo – therefore, that is why the increase is substantial, but we are hoping that, by next year, or at least this current financial year, we will not have to pay those two companies to run the RO plants.

1125 **Mr Chairman:** Head 34, Utilities, stands part of the Bill.

**Clerk:** Head 35, Collection and Disposal of Refuse, subhead 2, Other Charges.

1130 **Hon. J J Netto:** Mr Chairman, in relation to 2(b)(ii), Disposal of Other Items, it has gone from a forecast outturn... Well, in fact, if you actually go to the estimate, in 2012-13 it was £1,300,000; then we have a forecast outturn of £910,000; and now it has gone back to the £1,300,000. Could the Minister perhaps explain the drop in the forecast outturn in relation to these items?

**Hon. S E Linares:** Mr Chairman, it is to do with the fact that we are collecting more items.

1135 **Hon. J J Bossano:** The same as last year.

**Hon. S E Linares:** It is not. The estimate is the same.

1140 **Hon. J J Bossano:** There was less collected in the year.

**Hon. S E Linares:** That is what I am saying, that because this year we... (*Interjections*) Because of the recycling that we are doing.

1145 **Hon. J J Netto:** Mr Chairman, that seems to be a bit of a broad-brush answer. Could the Minister perhaps specify, in clearer terms, what he means? Okay?

1150 **Hon. S E Linares:** Mr Chairman, the only explanation is that we estimated that there was £1.3 million that was going to cost the collection of all these items that we are talking about. (*Interjection*) Disposal, because I am the Minister for collection, not the Minister for disposal. The explanation should be... Therefore, we estimated that we were going to collect £1.3 million-worth, we

only collected £910,000-worth, and we are estimating this year that we are going to go back to what we estimated last year that we were going to collect.

1155 **Hon. J J Netto:** What is it that you did not collect in the last financial year, which you are going to collect now?

**Hon. S E Linares:** It is to do with the volume that you collect, the quantity that you collect.

1160 **Hon. J J Bossano:** Mr Chairman, the estimate is made at the beginning of the year, but it may or may not materialise. If people throw 200 bedsteads and you expect them to throw another 200 but they do not this year, they may spend less money and throw less bedsteads. At the end of the day, we are making a provision on the assumption that last year's estimated amount of stuff that needed to be carted away will materialise this year, even though, in fact, the results for last year was that there were less piles of stuff to move which had to be disposed of. But the Department still felt that the prudent thing to do was to provide for the same volume, and the same volume has been provided. Clearly, if the volume does not happen, you do not spend the money.

1170 **Hon. J J Netto:** Mr Chairman, I do accept the fact that the estimate may come down in terms of the forecast outturn, but the example he has given of bedsteads – you are talking about he is going to collect £400,000 more bedsteads. That surely cannot be the case.

1175 **Hon. J J Bossano:** Clearly, the bedsteads, Mr Chairman, is an example of the kind of other items involved. When the Department that contracts out the disposal of this stuff produces a bid for the funding... the bid for the funding that was done last year actually was not all used up, and because it was not all used up the outturn is less than estimated.

The volume that they put a bid for this year is the same as last year and the Treasury, when it came to this... I suppose, having cut everything else so far, when they came to page 121, must have been in a more generous mood, so they let them go through.

1180 **Mr Chairman:** Head 35, Collection and Disposal of Refuse, stands part of the Bill.

**Clerk:** Head 36, Sport and Leisure, subhead 1, Payroll.

1185 **Hon. E J Reyes:** Yes, Mr Chairman, if I may.

I note from the Payroll here we are still making provisions for three members of the industrial staff and so on, but what I do notice is different to the past is that on the previous page, on page 122, the Controlling Officer for this head is now named as the Chief Executive Officer of the Gibraltar Sports and Leisure Authority, where in the past – at least in my days – it was never the Chief Executive Officer because he is not a civil servant. In fact, if I am not mistaken, it used to fall under the Financial Secretary.

1190 Is there some change in policy or perhaps legislation that allows a non-civil servant to be Controlling Officer of the part that is accountable in this Parliament?

1195 **(Hon. S E Linares:** Mr Chairman, I am informed that this is the same as last year. It is exactly the same as last year, Mr Chairman, so there is not any change, as such.

1200 **Hon. E J Reyes:** Mr Chairman, I think I said it but I did not make it clear: it is a change at least to the time when I used to be the Minister with responsibility for this charge, and I remember that the Financial Secretary at the time told me that the Controlling Officer was required to be a civil servant – hence why, on paper, we had the Financial Secretary as the Controlling Officer. Given that the Financial Secretary sits close by the Chief Minister, perhaps he can enlighten us now or he might want to look into it. I am just technically, on why is it, on a technicality, that this is a non-civil servant, as opposed to all the other heads. It seems to be the only non-civil servant responding to moneys assigned for civil servant industrial wages.

1205 **Hon. Chief Minister:** Mr Chairman, I understand that the hon. Gentleman is talking about an individual who is, apart from being CEO, also a civil servant, and therefore that, I am told by the Financial Secretary, does not arise. That is the information I have.

1210 So we do not recognise this idea that somebody cannot be a Controlling Officer if he is not a civil servant. At least that is what the Financial Secretary is saying to me, but I am quite happy to look into it and just confirm the position.

**Hon. E J Reyes:** I am happy with the explanation. I will let the Chief Minister look into it in his own time.

1215 **Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Head 36, Sport and Leisure, stands part of the Bill.

1220 **Clerk:** Head 37, Fire Service, subhead 1, Payroll

**Hon. Mrs I M Ellul-Hammond:** Mr Chairman, with regard to the establishment, there is a reduction of two in the complement. Is this a permanent reduction in the complement of firefighters?

1225 **Hon. S E Linares:** Mr Chairman, as I understand it, the vacancies have come out subsequent, so it could well be that, after this, the manning level will go up to 83; but as far as I am concerned there were two less when the book was done, so...

1230 **Hon. Chief Minister:** If I can just come back to the point made by the hon. Gentleman, the point appears to be this: that these are not departments that we are talking about. If they were departments, then the head, the controlling officer, would have to be a civil servant, but because we are dealing with statutory authorities, then the statutory authority can have a controlling officer who is not a civil servant.

1235 **Hon. E J Reyes:** Yes, Mr Speaker, but my understanding is that these three individuals are not part of the authority. The authority's salaries and so on come later on in the green pages of the book.

**Hon. Chief Minister:** The point about the three who are still in the Department – oh, right.

1240 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, if I can just go back to the Fire Service, the establishment figures – for the sake of clarification, can the Hon. Minister say if these two vacancies that have opened up, are they for the new figure of 81 or the old figure of 83?

1245 **Hon. S E Linares:** Mr Chairman, as I explained just a minute ago, it is to do with the complement. When the Book was done there were two less, and therefore it has been estimated with two less. The two vacancies have come out subsequently. I think they have already been recruited. I think it was a couple of weeks ago that they were recruited.

1250 **Hon. Mrs I M Ellul-Hammond:** But, Mr Chairman, these are the establishment figures. The 45 firefighters for the year 2013-14 – does that mean the Fire Service will only require 45 firefighters for that financial year?

**Hon. Chief Minister:** Mr Speaker, the position is that last year there were two supernumerary.

**Clerk:** Subhead 2, Other Charges.

1255 **Mr Chairman:** Head 37, Fire Service, stands part of the Bill.

**Clerk:** Head 38, Culture and Heritage, subhead 1, Payroll.  
Subhead 2, Other Charges.

1260 **Hon. E J Reyes:** Yes, Mr Chairman.

1265 Can the Minister offer me a little bit of guidance here? Under 2(1)(b), Electricity and Water, there is a provision, once again, for £4,000, whereas the forecast outturn is zero; and if one looks at other expenses that come on page 192, there is Electricity and Water there, and again a provision for £8,000. So is this £4,000 over and above the £8,000 on the other side, which means that that makes it £12,000, and yet last year the forecast outturn is only £8,000? Why are we then expecting an additional £4,000, which is a 50% increase, in water and electricity charges?

1270 **Hon. S E Linares:** Mr Chairman, that is to do with the fact that the Ministry is being separated from what is the Agency. We have also taken over a lot of other premises at the Ince's Hall, which is to do with the separation, and therefore there is a separation. If you look at how the Ministry for Culture and Heritage has now got the general expenses list and other operations as the Ministry, and then the Agency will be separate from the Ministry and will have a separate general expenses.

1275 What we have done, basically, this year... It is difficult to estimate exactly how the separation will be, but it is also to do with the extension of offices.

**Mr Chairman:** Head 38, Culture and Heritage, stands part of the Bill.

1280 **Clerk:** Head 39, Postal Services, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Mr Chairman:** Head 39, Postal Services, stands part of the Bill.

1285 **Clerk:** Head 40, Civil Contingency, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Hon. D A Feetham:** Mr Chairman, in relation to this we have, in fact, an ever-decreasing Civil Contingency Planning in Other Charges. It is subhead 2. It goes down from £½ million actual in 2011-12 to £140,000 estimate, then the forecast is £97,000, and now the estimate is £30,000.

1290 Can he account for this drop in relation to this particular head?

**Hon. S E Linares:** Yes, Mr Chairman.

1295 When you see the actual of 2011-12, it includes a great amount of money and it was to do with the disaster at the port. All the expenses of the disaster at the port are charged to that head. Therefore, what we did last year was we said, 'Well, we will put £140,000.' It went down to £97,000 because there has been little to account for that, and therefore we have gone down to £30,000.

It could well be that if we had, unfortunately, a disaster here, it would rise up. So that would fluctuate depending on whether there is any disaster or not.

1300 **Hon. Chief Minister:** Mr Chairman, perhaps another way to put it is that the *capital* costs have been taken out of here. The capital expenditure – which should never have been in the Book, here on the white pages, because it is capital expenditure and needs to be somewhere else – has been taken out of here. This is only the recurrent cost of the issue.

1305 **Hon. D A Feetham:** That makes sense, because of course we are talking about planning. Planning presupposes that you are planning ahead for something that might happen in the future.

**Mr Chairman:** Head 40, Civil Contingency, stands part of the Bill.

1310 **Clerk:** Head 41, Youth, subhead 1, Payroll.

**Hon. J J Netto:** Yes, Mr Chairman, if I may.

1315 I think I heard the Minister, in his Budget address, say that he was going to double the complement in relation to youth work, but when I look at the complement it has not changed – it is 10 and 10, so the likely explanation for this is that it is going to be increased by way of part-time and perhaps working after normal working hours or perhaps working at the weekend.

If not, why do we have the increase between the forecast outturn and the new estimate?

1320 **Hon. S E Linares:** Well, the first part, where he has given the explanation with part-timers is partly the answer; and the second part is that if he looks at the establishment, when I said there was going to be 100% increase, it is to do with... If you look at 2012-13, we had a team leader, one; we had a senior youth and community worker, one, which was never covered, so we are actually fulfilling that by putting two; and therefore we have also... from four it increases to five, so on the ground we actually had a team leader who was not on the ground, who was in the office, and we had four youth workers on the ground.

1325 What I intend to do, and I said in my Budget speech, is by decreasing – if you look – the Administrative Officer from three to two – we are taking one – and we have the Executive Officer, which we are not going to have, so we are taking it away from the administration in order to increase the complement of people on the ground by covering down. Therefore, the complement is exactly the same – it is 10 and 10 – but we are restructuring it by taking away admin work and having it concentrated on youth community workers.

1330 **Hon. J J Netto:** Yes, Mr Chairman, I do take on board what the Hon. Minister has said in terms of restructuring, but it is somewhat confusing to see that you have some increases on one side, in terms of the complement of youth work, and a diminution, if you like, on others, like the AO and the EO.



1335 So you have a rebalancing there between more people and less people, and then you have an increase of part-timers, and perhaps, if you look at the amount of increase, it gives the impression that we are talking about full-timers, when we are talking about two different categories. We are talking about full-timers and part-timers. I do not know whether this is a question of the way it has been placed on the Book, which does not make it very clear to someone looking at it.

1340 **Hon. S E Linares:** Well, Mr Chairman, the first part of the increase has to be the officer who was never covered, so we have another officer, which was never covered but is in the complement, is in the establishment, was never there, so there should be an increase in the salaries and also to do with the part-timers. Therefore, the increase... because there were not the officers there, we are now putting the officers there who were originally supposed to have been there – if that explains.

1345 **Hon. E J Reyes:** Yes, Mr Chairman, if I may.  
I do follow and understand what the Minister is saying, but what he is saying is we are going to fill in the vacancies that were still empty. But in the 2012-13 provision there was provision for a total of 10 people, leading to a salary of £240,000. For this year, there is a provision still for 10 people, some of whom have changed from Administrative Officer into more on-the-ground youth workers and so on, but the basic salary bill has increased by £138,000. It does sound quite a lot of money, Mr Chairman, from one grade to another.

Does the Minister have any further enlightenment on why £138,000 more is required in salary?

1355 **Hon. S E Linares:** Well, first of all, a youth and community worker will cost more than an AO; that is the first thing. *(Interruption)* Hold on. We are replacing an EO and an AO as well, so there is the replacement of two officers there, of which the increase has to be the wages of the youth and community workers.

1360 On top of that, it is to do with what the hon. Gentleman said before: we are hoping that we will cover more with part-time workers as well, so it will come from there as well. It could well be that, because there is a discretionary of £1,000 that they will have to be in the payroll and there is a discretionary of £1,000, and as I understood it there was a time in which some of those moneys, and also from temporary assistance, from where the part-timers were paid.

1365 **Hon. Chief Minister:** Mr Chairman, perhaps I can be of assistance. I am told by Treasury staff that last year the Department was carrying a lot of vacancies and that therefore they took out of the outturn what the cost of the filling of those vacancies would have been. So you are not just seeing the increase because of the numbers included, but you are also seeing the absence of that salary there. And when you have, for example, a typist replaced by somebody who is a youth worker, an administrative officer replaced by somebody who is a youth worker, the salaries do go up.

I think that might help the hon. Gentleman understand the difference.

1370 **Hon. J J Netto:** Could I ask the Hon. Minister whether he knows how many part-timers he is going to employ in this financial year?

1375 **Hon. S E Linares:** No, I have not got those figures with me here but I will try and get them for him.

**Hon. J J Netto:** You have not got the figures but the money is reflected here – is that correct?

1380 **Hon. S E Linares:** Mr Speaker, the explanation is that last year... When the Estimates are done, they then take six months off if you do not cover the post. Is that correct? *(Interjection)* The provision is made for six months and then the other six months is taken away, and this year we are expecting to fill up all the posts, so therefore it increases up to the whole year, and I have got them...

1385 **Hon. E J Reyes:** I can more or less start to imagine. Having sat on that side of the House, I know sometimes those of us who are not accountants take a few minutes to be able to click on to how the accounts are done, so we will not argue on areas where I am not entirely safe.

1390 I know that the Hon. Minister will certainly be willing to exchange greater views with me in very layman's terms behind the Speaker's Chair if we ever need to expand on this. I will not waste anymore of the Committee's time on this matter, Mr Chairman.

**Hon. S E Linares:** I welcome that.

1395 **Hon. J J Netto:** However, Mr Chairman, another thing, although I am grateful to the hon. Gentleman for the explanation he has given but he has not answered, I think, my question, which is how many extra

part-timers are going to be employed and (b) whether the payment, the money to pay for those part-timers is coming from the new estimates which we are seeing here?

1400 **Hon. S E Linares:** The actual fact is, like I told you before, it is to do with the whole of the restructure, and therefore, once we have the policy and the restructure, they will give me the whole figures, because it is to do with probably the £1,000 discretionary.

1405 **Hon. J J Netto:** But do I take it then, when the restructure is finalised and the Minister decides to employ *x*-number of part-timers, that he will be asking for more money than the one in the estimate here, or will it come from the total amount of money here?

**Hon. S E Linares:** No, Mr Chairman.

1410 **Hon. J J Netto:** No, that this is the – (*Interjection*) So, no extra money.

**Clerk:** Subhead 2, Other Charges.

1415 **Hon. E J Reyes:** Just a small one, can the Minister confirm to me, Mr Chairman, that... I see there is an increase in the estimate for Office Cleaning, but he did hint before that there was going to be a physical expansion of premises and so on. Is that why, from an outturn of £3,000, the increase to £16,000? That is on 2(2)(c), Mr Chairman, on the cleaning. Does that account, that increase of an additional... I think it is just over £1,000 a month for cleaning?

1420 **Hon. S E Linares:** Yes, it is to do with the increase.

**Mr Chairman:** Head 41, Youth, stands part of the Bill.

1425 **Clerk:** Head 42, Gibraltar Audit Office, subhead 1, Payroll.  
Subhead 2, Other Charges.

**Mr Chairman:** Head 42, Gibraltar Audit Office, stands part of the Bill.

**Clerk:** Head 43, Supplementary Provision, subhead 1(a) and (b).

1430 **Mr Chairman:** Head 43, Supplementary Provision, stands part of the Bill.

**Clerk:** That concludes Clause 2.

1435 **Mr Chairman:** Clause 2 stands part of the Bill.

**Clerk:** Clause 3.  
Head 44, Contribution to Government-owned Companies, subhead 1.

1440 **Hon. D A Feetham:** Mr Chairman, under analysis, we see a reference to a company called Gibraltar Investment (Holdings) Ltd, and there is a forecast outturn of £3.4 million and an estimate of £3.9 million for 2013-14, and indeed I will ask, but perhaps he can... If he wants to volunteer the answer now, I will not have to ask it later, but at page 148, which is Improvement and Development Fund, there is a contribution of actual £72 million for 2011-12, and then 2012-13 there is another £40 million that is going to be paid into this company.

1445 Can he give me some information about what the company does, and also why these two contributions, plus also the payments here under this particular analysis?

**Hon. J J Bossano:** Yes, Mr Chairman.

1450 Whether the amount that is contributed to the company appears in the I&DF or appears in the recurrent is related to whether the expenditure that the companies have incurred has been capital or recurrent expenditure.

1455 For example, property companies that have been paying for things have been funded previously by a purchase of equity in the holding company, which is Gibraltar Investment (Holdings) Ltd, which eventually might have been expenditure incurred, say, by the residential property or the commercial property company, and where that expenditure has been in... The expenditure sometimes is, for example, in the refurbishment of a building or the improvement of a building, which then goes onto the books of the building as an increase in its value and is eventually reflected back in the Government's accounts as

an increase in the equity, so that the shareholding is higher and the asset value is higher, and that asset has been increased in value by spending money on the property.

1460 Where it is money that the running costs of a company has incurred, then that is if there is insufficient revenue for the company to cover the recurrent costs then it comes through out of the Consolidated Fund Head, where initially the £28 million was, the recurrent costs that had been financed by advances from the Consolidated Fund, which were cleared.

1465 Last year, the estimated recurrent costs were expected to be £10 million, they have turned out to be £17 million and therefore the amount that has been put as an estimate this year is on the assumption that, in the current financial year, the difference between income and expenditure in the different companies will be no higher than they were in the year that has just finished. But it is really impossible to know because sometimes you find expenses during the year you did not expect, or you collect money you did not expect.

1470 **Hon. D A Feetham:** But what does this company, Gibraltar (Holdings) Limited... what does it do? Is it a company for which the Government is channelling investments – sorry, payment of capital projects, or...? What is it that it is doing exactly? Because there is a substantial amount of money later on, when we come to it – £72 million and £42 million – that is being paid to it.

1475 **Hon. J J Bossano:** The Gibraltar Investment (Holdings) is the parent company of all the other companies. It has been there since 1996 and the practice of doing the equity funding through the I&DF was introduced by the previous administration, after 1996.

1480 Therefore, what happens is, for example, if there was a... Members will recall there was a point when the car parks were being done by the car park company instead of being done by the I&DF and the previous Government decided at one stage to remove the funding from the car parks from the I&DF, do it by the car park company, and instead have in the I&DF equity funding, buying shares in Gibraltar Investment (Holdings), which in turn financed Gibraltar Car Parks Ltd, which in turn paid for the building of the car parks.

1485 Now the building of the car parks is supposed to produce revenue which was going to meet the servicing of the finance provided by the Royal Bank of Scotland when there is a gap between the servicing of that payment to the Bank of Scotland and the rental from the car parks that can no longer be met by equity funding from the I&DF, so then it becomes a charge on the recurrent revenue.

1490 So, essentially, the division between the two is the same as the division we have in the public service, and where there is a gap, for example here... It is a very good example, this one, because the car park company is a mixture of money being spent on building car parks, like the ones for the Park and Ride that was being done from the I&DF and then finished up being done by the car company and the money being reflected in the Government estimates as equity funding.

1495 When, in fact, the part of the funding that had been money that was advanced by the Royal Bank of Scotland on the basis that they were, in effect, funding it but it was going to be serviced by the rental income... when the rental income did not materialise, it then finished up as an operating loss. The operating loss is then reflected in what is now the £17 million.

1500 **Hon. D A Feetham:** So, effectively the... No, I understand that. So, in relation to the other figures, the figures at page 148, what we are talking about there is the funding for Government companies in terms of any capital projects that, for example, those companies may be undertaking. So the provision at page 148 is for capital projects executed via Government owned companies.

1505 **Hon. J J Bossano:** For example, this is following the practice that was already in place and it is a question of whether, as a matter of policy... For example, if we want to have the Air Terminal financed directly by the I&DF or the Air Terminal financed by the company that technically is owning the Air Terminal; in which case, if it is a capital cost it finishes up in the I&DF, and if it is a recurrent cost it finishes up in the Consolidated Fund.

1510 **Mr Chairman:** Head 44, Contribution to Government-owned Companies, stands part of the Bill.

**Clerk:** Head 45, Transfer of Government Surplus, subhead 1.

1515 **Mr Chairman:** Head 45, Transfer of Government Surplus, stands part of the Bill.

**Clerk:** Head 46, Contribution to the Improvement and Development Fund, subhead 1.

**Hon. Chief Minister:** Mr Chairman, if I can just take him back a minute whilst we look at this – that £17.7 million was the £28 million last year, he might recall. So that £17.7 million he should also add to

1520 my surplus to this year to see how much of a record it is, given that he wanted to add it last year to the other surplus as well.

I have done the calculations with that and the money from the Savings Bank: my surplus is still higher and more of a record.

1525 **Hon. D A Feetham:** Does he want to debate the point?

**Hon. Chief Minister:** I am just taking him back to where we were last year.

1530 **Mr Chairman:** Head 46, Contribution to the Improvement and Development Fund, stands part of the Bill.

**Clerk:** That concludes Clause 3.

1535 **Mr Chairman:** Clause 3 stands part of the Bill.

**Clerk:** Clause 4, Improvement and Development Fund, Head 101, Works and Equipment, subhead 1.

**Hon. J J Netto:** Yes, Mr Chairman, if I may.

1540 If I can draw the attention of the Minister for the Environment to 1(p)(ii), Rock Safety, Coastal Protection, Retaining Walls & Demolition Works, we had an estimate for the last financial year, 2012-13, of £1 million, and the forecast outturn is £170,000. Why the drop, the huge difference between the estimate and the forecast outturn? Do we have an explanation for that?

I beg your pardon, I directed it to the wrong Minister.

1545 **Hon. Dr J E Cortes:** Mr Chairman, it does mention the words 'environment' and 'roads', but this particular aspect is under Technical Services, so I will let my colleague reply.

1550 **Hon. P J Balban:** Mr Chairman, the £1 million was not spent because the work was not done. This work has, in fact, been started very recently. The actual works is to do with the Catalan Bay rock protection bund clearance, so it is clearing the rubble that fell and has accumulated within the bund. That rubble has had to be removed just in case there is another rockfall in the near future.

1555 **Hon. J J Netto:** So, Mr Chairman, as I understand it, we are talking about one sole project which was estimated for £1 million. That seems to be the impression that the Minister is giving, and he seems to be saying that delays... because there were delays where – in the procuring process, or delays in the actual works, or delays in the tender process? What was the delay in that single project?

1560 **Hon. P J Balban:** Mr Chairman, this is one head for rock safety, coastal protection and retaining walls in demolition, so hence various projects are included within this head, but the one which has seen the delay was actually the one I have just mentioned, which was the delay in starting the rock bund clearance project.

1565 **Hon. J J Netto:** Mr Chairman, I do find the Minister's answer very confusing. Can I ask a slightly different question? Perhaps that could help me.

He has put an estimate for the new financial year of £1 million, which is exactly the same estimate for 2012-13. Can the Minister provide me with a breakdown of the £1 million for – how much will be for rock safety, how much for coastal protection, how much for retaining walls and how much for demolition works?

1570 **Hon. J J Bossano:** If the hon. Member looks at the actual amount spent in 2011-12, which was £1¼ million, basically – £1,230,000 – the amount that has been provided and approved by the Treasury is an amount of the expectation of what is the likelihood that is going to be the maximum that is going to be spent. The people in Technical Services, during the course of year, then decide where the priorities are and whether they spend more or less on another one.

1575 It is perfectly normal for the results of the I&DF not to be spot-on in every single item with what is put in at the beginning of the year when we approve it. Basically, there is an overall level of spending of about £40 million or £50 million in the year, which is running at about £1 million a week, but given that sometimes things happen which require emergency treatment, that takes a higher priority. In this case, the money that was going to be spent there was not spent to the same volume, and therefore some of the work  
1580 that it was intended to do there has now been repeated in this year's estimate, but there is no particular significance in the sense that there is a project that is valued at £1 million and is expected to cost £1

1585 million. It is the amount that is considered to be the likely amount that is likely to be needed for all the things that are covered by rock safety, coastal protection, retaining walls and demolition works. So the head is all those things. Within that, tomorrow you might find that one single one of those items requires big expenditure and may take most of it.

1590 **Hon. J J Netto:** Indeed, Mr Speaker, I do take on board what the Minister for Employment has said and that the forecast outturn will never be spot-on, but the difference here... we are talking about more than £800,000 between the estimate and the forecast outturn.

1595 Be that as it may – and I take on board the fact that some of the projects have not been done and are being passed on to the new financial year – that takes me to the second part of my question in terms of can the Minister provide me with a breakdown – because we are talking about quite a number of different categories: we are talking about rock safety, we are talking about coastal protection, we are talking about retaining walls and demolition work – can the Minister provide me with a flavour of the breakdown of how much works will be done under each various categories?

1600 **Hon. J J Bossano:** I am telling the hon. Member that the figure is not arrived at by adding up how much is going to be done on rock safety, how much is going to be done on coastal protection, how much is going to be done on retaining walls and how much... What he can have is how much was done in the past. That is he can get a breakdown of what was the amount in 2011-12, when he was there, that was spent by the previous Government in each one of those.

1605 But if I had asked, from that side, the question he is asking me now, nobody on this side would have been able to give it because you do not know ahead. It is not a figure that is arrived at by saying, 'Well, we know that we are going to have £¼ million for rock safety, £½ million for coastal protection, £100,000 for retaining walls and £200,000 for demolition.' The figure is not calculated like that. The figure is calculated as an order of costs.

1610 Now, at the end of the year, the actual amount that is spent may have been spent much more on one thing than on another, depending on what, during the year, was estimated to be more important or more urgent to do in those categories. But the £1 million is not something that has been arrived at by adding, as if it were, a number of subheads within that head. That is not the case, and therefore it is not that the money has been earmarked in bits which are a breakdown of £1 million. It was not done a year ago and it has not been done this year.

1615 The fact that £170,000 was spent instead of £1 million means that, in all probability, within the works and equipment some of the money that would have been intended to be spent here finished up being spent under one of the other subheads because it was more important to get something else done.

1620 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, with reference to section (h), Contribution to Gibraltar Health Authority, can the Hon. Minister say what the £4 million is earmarked for?

1620 **Hon. Dr J E Cortes:** Mr Chairman, the £4 million includes about £600,000 or so which is for payment of the ambulances which are arriving later on in the year. The rest is for various works and equipment. There is a very, very long list of equipment.

1625 Works will include, for example, works to the A&E department, works to the ambulance area. It will include works which will be... Part of this will go towards works to re-site the kitchen in St Bernard's Hospital. That is as far as the works are concerned.

1630 Equipment – as I say, there is a long list of equipment which I have, running through several pages, ranging from... Well, one of the major items, which has to be replaced this year because it is at the end of its life, is the CT scanner. So those are, I think, the major items that would come out of this.

1630 **Mr Chairman:** Any other questions on Works and Equipment?

1635 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, the same question again for 1(j), Contribution to Care Agency – if the Hon. Minister could say what the £300,000 is for?

1635 **Hon. Miss S J Sacramento:** Mr Chairman, this will include works to the Mount Alvernia balconies and other general works that need to be undertaken.

1640 **Mr Chairman:** Head 101, Works and Equipment, stands part of the Bill.

1640 **Clerk:** Head 102, subhead 1, Beautification Projects.  
Subhead 2, Roads and Parking Projects.  
Subhead 3, Relocation Costs.  
Subhead 4, Reclamation Projects.

1645 **Hon. S M Figueras:** Mr Chairman, perhaps the Chief Minister could provide us with information about MOD Project Euston, heading (b), on Relocation Costs?

**Hon. Chief Minister:** Yes, Mr Chairman, Project Euston is the building of relocated facilities for the MOD.

1650 **Clerk:** Subhead 4, Reclamation Projects.  
Subhead 5, Other Projects.

1655 **Hon. S M Figueras:** Mr Chairman, under Other Projects, heading (zi), Swimming Pool Complex, the forecast outturn for this year is £190,000 and there is only a token amount of £1,000 estimated for the coming financial year. Could the Minister for Sport provide any information in respect of that?

**Hon. Chief Minister:** It has got nothing to do with sport, Mr Chairman. It is a swimming pool complex relating to one of the manifesto commitments for a swimming pool on the east side.

1660 **Hon. S M Figueras:** Yes, Mr Chairman, I am grateful for the contribution.  
I understand that the swimming pool complex... There were some studies carried out and some work done, but then that was put on hold and now that token amount of £1,000 is there. Is it the Government's intention to proceed with that? Has there been any development since we last raised it in the House?

1665 **Hon. Chief Minister:** Yes, Mr Chairman, it is the Government's intention to proceed with that in time to deliver on it as a manifesto commitment. It is not timed in our manifesto and will be delivered during the course of the four years. Some of it may be done this year, or it may not proceed during the course of this financial year until the next one.

1670 **Hon. D A Feetham:** Mr Chairman, (zf) – it is the Cladding and Other Improvements to Housing Estates – is £3.5 million, the estimate for next year. This is a project that the Chief Minister said would cost about £50 million in answer to Questions earlier on this year, and I think that he said to me, and my recollection is, that it would be undertaken through GJBS.

1675 Is GJBS not included within the companies that are funded via Gibraltar Investment (Holdings) Ltd at all?

**Hon. J J Bossano:** It is.

1680 **Hon. D A Feetham:** It is?

**Hon. J J Bossano:** It is, yes.

1685 **Hon. D A Feetham:** Yes, but what I do not understand is why the £3.5 million extra there, when you have already got provision of the £40 million via Gibraltar Investment (Holdings) Ltd.

1690 **Hon. J J Bossano:** Mr Chairman, as I explained to him, the option that the Government used to have, and we have continued to have, is that in some instances the provision of capital expenditure is undertaken by a company, and then, if the company is unable to finance this from its own resources it gets equity funding, which is usually brought in at the end of the financial year.

1695 The figure changes quite dramatically up or down between the beginning and the end, if he looks back. Or the Government says, 'We are going to do it as a Government project,' in which case GJBS is working as a contractor. If GJBS was funding something itself, it would be likely to be equity funded. If GJBS is actually contracted to build something for the Government, then the I&DF pays GJBS. Therefore, in this case, GJBS is getting a direct allocation of work, as opposed to, for example, the car park company funding the building of car parks and paying a contractor, which in the case of the car park company was Casais (Gibraltar) Ltd. Essentially, the funding is done when it is direct spending by the company, as opposed to the company being a contractor for the Government.

1700 **Clerk:** Subhead 6, Equity Funding, Gibraltar Investment (Holdings) Ltd.

**Mr Chairman:** Head 102, Projects, stands part of the Bill.

**Clerk:** That concludes Clause 4.

1705 **Mr Chairman:** Clause 4 stands part of the Bill.

**Clerk:** Clause 5.

**Mr Chairman:** Clause 5 stands part of the Bill.

1710 **Clerk:** Clauses 6 and 7, which relate to appendices B to K.  
Gibraltar Development Corporation, appendix B.

1715 **Hon. D J Bossino:** Mr Chairman, I would be grateful for the Minister's explanation in relation to some of the items under appendix B.  
The first one relates to receipts, and it says: 'Contribution from Consolidated Fund – Head 27 Employment', and then 'Contribution from Consolidated Fund in respect of Revenues Received', and 'Additional Contribution.' The Additional Contribution is almost more or less a consistent figure of about just under £12 million. Does that relate again to the Future Job Strategy?

1720 **Hon. J J Bossano:** Yes, this is the money we have already voted in the Employment Service, because in fact in all the appendices there are really... It is money coming in and now it is money going out. It is the same money.

1725 **Hon. D J Bossino:** Mr Chairman, now that we are on the theme of £11 million, there is another item further down, which... I may be jumping the gun, because that is under Payments, which you have not called yet, or do we deal with...? It is the whole. I am grateful.

1730 So, going back to what I was saying – the £11 million – there was a further sum of that amount of money under (21). Can he explain what that relates to and how that marries with the £11 million figure – just under £12 million figure – we have just been looking at?

1735 **Hon. J J Bossano:** The money is contributed from the Employment Service and we have already voted it. Effectively, what we are doing now is voting the contribution from the GDC to the companies that are spending the money in paying the trainees. Therefore, essentially we are voting again the same money out of the GDC to the trainees.

1740 In the rest of the GDC, in effect it is the opposite way round, in the sense that the GDC spends the money and then sends the bill for the services because the GDC is acting as if it were an employment agency, supplying officers to the Civil Service Departments. So all the other payments that are coming in, other than the one from Employment, is payment to the GDC for services provided to the Departments by GDC employees.

1745 In this case, essentially it is the GDC employing people in the companies where they are effectively the responsibility of the Employment Service that is using the GDC to run the companies in the Future Job Strategy, which are the companies that have been identified, but it is the parent company, which really employs nobody; it is just the holding company for the others, which are the Graduate Company; the Employment Training Company; the Construction Training Company and the Supported Employment Company, which is the one which has got indefinite contracts for persons with disabilities, where Members will recall initially – I think it was in July of last year – we moved them out of the ETCL to give them the security of permanent employment.

1750 **Hon. D A Feetham:** Mr Chairman, I think we looked at this last time round, because I think I asked a question last time round, but when you look at planned... That is the European Structural Funds, isn't it?

Just to remind me, is it the intention of the Government to effectively apply for some form of grant that might contribute in relation to the... that might contribute to funding of the Future Job Strategy?

1755 **Hon. J J Bossano:** Yes, there are categories of some of the recipients which are capable of being partly funded from EU funding – for example, people who have been over a certain period of unemployed, persons who may have problems which make them difficult to find employment for. For those categories, there are opportunities to access the European Social Fund and get some money. That is initially shown in the revenue of the Employment Service. We have a figure there which is an estimate of what we think we can get – whether we get it or not remains to be seen.

1760 **Mr Chairman:** The Gibraltar Development Corporation, appendix B, stands part of the Bill.

**Clerk:** Gibraltar Regulatory Authority, appendix C.

1765 **Mr Chairman:** Do hon. Members have any questions?  
Gibraltar Regulatory Authority, appendix C, stands part of the Bill.

**Clerk:** Borders and Coastguard Agency, appendix D.

1770 **Mr Chairman:** Borders and Coastguard Agency, appendix D, stands part of the Bill.

**Clerk:** Gibraltar Health Authority, appendix E.

1775 **Mr Chairman:** Gibraltar Health Authority, appendix E, stands part of the Bill.

**Clerk:** Housing Works Agency, appendix F.

**Mr Chairman:** Housing Works Agency, appendix F, stands part of the Bill.

1780 **Clerk:** Care Agency, appendix G.

**Mr Chairman:** Care Agency, appendix G, stands part of the Bill.

1785 **Hon. J J Netto:** Mr Chairman, can I ask a question about the Care Agency to the hon. Lady?  
In relation to item (16), Special Care Abroad, can she provide the House with the number of individuals to whom care has been provided in the UK?

**Hon. Miss S J Sacramento:** Mr Chairman, there are seven.

1790 **Mr Chairman:** Any other question on the Care Agency?  
Care Agency, appendix G, stands part of the Bill.

**Clerk:** Gibraltar Port Authority, appendix H.

1795 **Hon. D J Bossino:** Mr Chairman, under Bunkering Superintendent, I do not recall whether the Minister referred to this in his speech, but is provision made for this coming year for another Bunkering Superintendent? Is that vacancy filled?

1800 **Hon N F Costa:** Mr Chairman, it is still vacant.

**Hon. D J Bossino:** Mr Chairman, in that regard, can he offer an explanation? It may just be because it is rate of inflation increase or as a result of the pay review. There is an increase, I think, of something to the tune of £158,000 in Salaries; can he give an explanation for that, given that the complement of employees is exactly the same? Are you possibly also making provision for the extra post as well?

1805 **Hon. N F Costa:** Mr Chairman, yes, both things. As the hon. Gentleman, I think, remembered whilst he asked the question, the post of an Environmental Health and Safety Advisor has been filled and we are making, of course, provision for the second post of a Bunkering Superintendent.

1810 **Mr Chairman:** Gibraltar Port Authority, appendix H, stands part of the Bill.

**Clerk:** Gibraltar Electricity Authority, appendix I.

1815 **Hon. J J Netto:** Yes, Mr Chairman, could I ask, in relation to item (21), Health & Safety Advisors, is this something which is being outsourced outside the Government?

**Mr Chairman:** Is it possible to carry on with the other appendices, and then we will come back to this one?

1820 **Hon. J J Netto:** Yes, Mr Chairman. There is no problem. We can come back, as you rightly say.  
But moving on perhaps to item (28), the Gibraltar Mechanical & Electrical Services Ltd, we see a substantial increase, so perhaps the Minister could provide some ideas for this figure?

1825 **Clerk:** Gibraltar Sports and Leisure Authority, appendix J.

**Hon. E J Reyes:** Yes, Mr Chairman, may I ask... The Payments under subsection (14) show that for this year, the same as last year, we are making only a provision of £14,000 for the Stay and Play Programme, yet in 2011-12 and in 2012-13 it has surpassed that amount; so would it not have been prudent to have increased and not just left it at £14,000?



1830 **Hon. S E Linares:** Mr Chairman, as to the first question, it is under contracted services, so therefore it is outsourced and the expenditure is here. It is definitely outsourced.

As to the second one, the GMES, is that electricity is now bought by the MOD from GMES and therefore there is –

1835 **A Member:** GEA.

**Hon. S E Linares:** From GEA, sorry.

1840 **A Member:** No, by the GEA. It is different to the MOD.

**Hon. S E Linares:** Right, from GMES. It is the ISGS. The old ISGS. Does that explain? Sorry.

1845 **Hon. J J Netto:** So, do I take it, on the second one first – because I will come back to the first one – that the increase is wholly due to the payments now to GMES, what used to be produced by the MOD, the difference between one and the other?

1850 **Hon. S E Linares:** It has been explained to me that it is either the variances of the production and the amount that it costs to produce; also that, before, it used to be the MOD's power station, which is now taken by GMES itself, and therefore now GEA buys the electricity from GMES.

1855 **Hon. J J Netto:** I am grateful, Mr Chairman, for that clarification, but going back to Health and Safety, I know we are talking about small money here and the Hon. the Minister did say that this is outsourced to someone outside the Electricity Authority, but can I ask whether the money represents one particular aspect – in terms of providing services or assistance to the Chief Executive for some particular aspects of Health and Safety or the broad [*inaudible*] of the health and management, what I would call, the duties of the Chief Executive are for the management of Health and Safety regulations?

1860 **Hon. S E Linares:** I would say it is the latter because the amount is the same; therefore, this year, for example, the amount is £11,000... the forecast outturn, you can see that the amounts are always the same.

**Mr Chairman:** Any other questions on the Gibraltar Electricity Authority?  
Gibraltar Electricity Authority, appendix I, stands part of the Bill.  
There was a question on the Gibraltar Sports and Leisure Authority.

1865 **Hon. E J Reyes:** Yes, Mr Chairman, shall I repeat again what I asked before?  
I was saying under (14), the Stay and Play Programme, if one looks at the actual expenditure of 2011-12, that was £22,477, the forecast outturn this year is £19,000, and I am asking does it not look prudent enough that we have kept to the estimate of £14,000 as in the previous year, given that in the previous two years there has been an expenditure of at least £5,000 more?

1870 Why are we estimating so low? Are we cutting back on the programme, or are there any other factors involved?

1875 **Hon. S E Linares:** Mr Chairman, I can assure him that it is not a cutback of the programme at all. The fact is that the Chief Executive of the Sports and Leisure Authority has deemed it prudent to put the same amount of money. That is the explanation I can give him. It seems like he would probably have to increase by next year because, as you rightly say, the actual was £22,000... then he budgeted for... £14,000, the forecast was then... outturn was £19,000, and he seems to have budgeted again for £14,000. So...

1880 **Mr Chairman:** Any other question?

1885 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, item (27), The Sports Injury Clinic/Treatment – there is a provision of £40,000 for that this financial year. Can the Hon. Minister say by whom and where – perhaps a bit more detail on this injury clinic?

1890 **Hon. S E Linares:** No, the fact is that in (26) and (27) the Chief Executive Officer wanted to put... because it is two of our manifesto commitments and it was like a token round-off figure which he thought of putting for both heads. So the heads are open now at £40,000, which he estimated it would be for the start off, but like I said, it is a token figure at this stage and we cannot yet identify how much that is going to cost.

1895 **Hon. Mrs I M Ellul-Hammond:** And as to where this service will be provided from, does he have any further information, or by whom the service...? Will it be given by the GHA or will it be given by a private service provider; or will somebody be employed specifically for the Sports and Leisure Authority?

1900 **Hon. S E Linares:** We are looking at about three or four different options, of which some were the ones that the hon. Lady has mentioned, but we have not come to a conclusion yet as to which one will be the most efficient one and which one would be the most... or at least the least costly, and the best way we would run it. So we are at this stage. I am in discussion with the GHA and people out there who want to contribute to these schemes, and we are working to see how best we can do it at this stage.

**Mr Chairman:** Gibraltar Sports and Leisure Authority, appendix J, stands part of the Bill.

1905 **Clerk:** Gibraltar Culture and Heritage Agency, appendix K.

1910 **Hon. E J Reyes:** Yes, Mr Chairman, at item (26) there is an estimate been set aside for £26,000 in relation to the Promotion of Cultural Items, which incurred, last year, only a forecast outturn of £11,000. Seeing that this is more than double the amount, can the Minister give me some indication as to what are the items that are being promoted?

1915 **Hon. S E Linares:** Mr Chairman, we are looking around in different places for things like Bacarisas' pictures and other items which the Department thinks it can actually get, and therefore they have increased the amount this year because we are hoping that we will be able to retrieve all these cultural items that we believe belong to Gibraltar.

**Hon. E J Reyes:** Mr Chairman, is that not more fitting to be charged under (27), which is Purchase of Artworks?

1920 **Hon. S E Linares:** Yes, you could be right, but the Promotion of Cultural Items can also be construed as promoting things that we do from Gibraltar outwards, which costs money as well, and I would think that things... and it is also a head – Little Constellation – so it would be to do with the Little Constellation, although there is a head there as well, so it is in combination to do with cultural items. The three of them are more or less interlinked.

1925 **Hon. E J Reyes:** No, Mr Chairman – perhaps I can enlighten the Minister.

1930 If you look at number (27) Purchase of Artworks, the actual expenditure in 2011-12, for which I was partly responsible, was as high as £48,000, and I believe only a token provision of £1,000 has been set in the estimate because I agree with the Minister – that is an occasion where some of Bacarisas' art work came up on auction, I think it was in that case, and we grabbed it because that painting rightfully should be returned home.

But my original question was that, given that the Little Constellation has a separate estimate of £26,000... my original question was rather simple: can I have some examples, some indication of what is actually being promoted, because it says 'Promotion of Cultural Items'?

1935 **Hon. S E Linares:** Yes, Mr Chairman, and I have got here the explanation, which is the training and educational programmes which we do with Little Constellation and other entities, and this again will include the exchanges that we do with Little Constellation. Therefore, it would be artists exchanging items, and that takes... you have to travel with it, take it there and bring it back, so all these exchanges and training and educational programmes are what is the Promotion of Cultural Items.

1940 **Hon. E J Reyes:** So then, Mr Chairman, what does the £26,000, that simply says 'Little Constellation', cover?

1945 **Hon. S E Linares:** Mr Chairman, the Little Constellation is the actual exhibition which we are hoping to bring next year, which I mentioned in my Budget speech. It is also a continuous with Little Constellation, as in the membership of Little Constellation. It is a network of people, or at least countries who participate in this.

1950 **Hon. E J Reyes:** So, Mr Chairman, am I right in saying that, despite it being under (26) and (30), we are really talking of – in one shape, form or whatever – £52,000 coming under the general nomenclature of Little Constellation? Is that correct?

1955 **Hon. S E Linares:** No, I would not say that, because, for example, we are doing work with an artist from Gibraltar. She is coming to Gibraltar to do some educational programmes and training programmes, and she is bringing items that need to come to Gibraltar outside the Constellation completely.

**Mr Chairman:** Any other question on this item?

1960 **Hon. E J Reyes:** Yes, Mr Speaker, if I may, just on (50), under Training, there is a provision being made for £10,000, which is double the amount of the forecast outturn for last year. Does the Minister have anything that can shed a bit more light on what the training is about?

1965 **Hon. S E Linares:** Mr Chairman, most of these things, as he well knows, are to do with the Museum team, the Heritage Division, and they envisaged last year to spend £10,000 – and they did not spend £10,000; they spent £5,000 – and they are hoping this year to extend the £10,000, and even more so, because they have got the Gorham’s Cave issue and they are also wanting to promote more the Museum.

1970 **Hon. E J Reyes:** Yes, but Mr Chairman, isn’t the provision made for the Gorham’s Cave excavation and so on covered under (54)? This one says Training, so is it a question that a particular type of training is required in order to carry out work at Gorham’s Cave, or is it a more generic type of training?

1975 **Hon. S E Linares:** A more generic type within the Museum because, as there will be extra staff as well in the Museum, and therefore they will probably have to train people to do the work within the Museum.

**Hon. E J Reyes:** Mr Chairman, can I take you to number (58), which appears now as a new item – Conservation Services, £20,000. Can I have some light shed upon that please?

1980 **Hon. S E Linares:** Yes, this is to do with the heritage filter that we have implemented, as well as the environment filter. These will be conservation services that will need to be done when projects are submitted, so that they have to identify and look at all the heritage value of different projects. It is a separate item, which again is like a token amount – £20,000. We do not know how much it will be, but it will be on an ongoing basis to look at all projects and to make sure that – what it says – conservation is included.

1985 **Hon. E J Reyes:** Mr Chairman, given that the words say ‘Conservation Services’, am I right in deducing that these are services that are going to be contracted out for someone to carry out the task?

1990 **Hon. S E Linares:** I would suggest it is going to be someone contracted out when specialist advice will have to be procured, yes, specialist advice.

1995 **Hon. E J Reyes:** I think the Minister means well, but I want to be clear on this. He says he would suggest... No, Mr Chairman, I am not looking for suggestions; I am asking what is it being provided for? I can understand that there may be more or less expenditure – more so, being a brand new item – but is it £20,000 that is being set aside so that someone, some consultant services can be contracted? Am I right in that interpretation?

**Hon. S E Linares:** Yes.

2000 **Mr Chairman:** Gibraltar Culture and Heritage Agency, appendix K, stands part of the Bill.

**Clerk:** That concludes Clauses 6 and 7.

2005 **Mr Chairman:** Clauses 6 and 7 stand part of the Bill.

**Clerk:** Clause 8.

**Mr Chairman:** Clause 8 stands part of the Bill.

2010 **Clerk:** Clause 9.

**Mr Chairman:** Clause 9 stands part of the Bill.

**Clerk:** Clause 10.

2015 **Mr Chairman:** Clause 10 stands part of the Bill.

**Clerk:** Clause 11.

2020 **Mr Chairman:** Clause 11 stands part of the Bill.

**Clerk:** The schedule, parts 1 to 9.

**Mr Chairman:** The schedule, part 1 to 9, stands part of the Bill.

2025 **Clerk:** The Long Title.

**Mr Chairman:** The Long Title stands part of the Bill.

2030

**Mental Health (Amendment) Bill 2013  
Clauses considered and approved**

2035 **Clerk:** A Bill for an Act to amend the Mental Health Act.  
Clause 1.

**Mr Chairman:** This is the Bill to amend the Mental Health Act?

2040 **Clerk:** Yes.  
Clause 1.

**The Chairman:** Clause 1 stands part of the Bill.

2045 **Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

**Clerk:** The Long Title.

2050 **The Chairman:** The Long Title stands part of the Bill.

2055 **Companies (Amendment) Bill 2013  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Companies Act.  
Clause 1.

2060 **The Chairman:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

2065 **Mr Chairman:** Clause 2 stands part of the Bill.

**Clerk:** The Long Title.

**Mr Chairman:** The Long Title stands part of the Bill.

2070

**Limited Partnerships (Amendment) Bill 2013  
Clauses considered and approved**

2075 **Clerk:** A Bill for an Act to amend the Limited Partnerships Act.

Clause 1.

2080 **Mr Chairman:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

2085 **Clerk:** The Long Title.

**Mr Chairman:** The Long Title stands part of the Bill.

2090

### BILLS FOR THIRD READING

2095

**Appropriation Bill 2013**  
**Mental Health (Amendment) Bill 2013**  
**Companies (Amendment) Bill 2013**  
**Limited Partnerships (Amendment) Bill 2013**  
**Third Reading approved: Bills passed**

2100

**Clerk:** The Hon. the Chief Minister.

2105

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Appropriation Bill 2013; the Mental Health (Amendment) Bill 2013; the Companies (Amendment) Bill 2013; and the Limited Partnerships (Amendment) Bill 2013 have been considered in Committee and agreed to, and I now move that they be read a third time and passed.

2110

**Mr Speaker:** I now put the question, which is that (1) the Appropriation Bill 2013; (2) the Mental Health (Amendment) Bill 2013; (3) the Companies (Amendment) Bill 2013; and (4) the Limited Partnerships (Amendment) Bill 2013, be read a third time and passed.

Those in favour of the Appropriation Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Mental Health (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Companies (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

2115

And those in favour of the Limited Partnerships (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

**Hon. Chief Minister:** Mr Speaker, I now propose that the House recess for 10 minutes.

2120

**Mr Speaker:** We will now recess for 10 minutes and on return we will deal with the Government motions.

*The House recessed at 6.35 p.m. and resumed its sitting at 6.55 p.m.*

2125

### GOVERNMENT MOTIONS

2130

**Suspension of Standing Order 19**  
**Motion carried**

**Mr Speaker:** The Hon. the Chief Minister.

2135

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*“That this House approves, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is*

2140 required of the motion which has been notified by the Hon. Chief Minister on 27th June 2013, and circulated by the Clerk on 27th June 2013.” Today.

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

2145

**British Gibraltar Territorial Waters  
Guardia Civil attack on pleasure craft  
Debate commenced**

2150

**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, having suspended Standing Orders in that way, I now have the honour to move the motion standing in my name, which reads as follows:

2155

*“This House unanimously and wholly condemns the illegal and irresponsible action of Guardia Civil officers in firing on pleasure craft in British Gibraltar Territorial Waters; Recognises and welcomes that Minister for Europe the Rt Hon David Lidington has immediately taken the matter up with his Spanish counterpart;*

2160

*Welcomes the fact that the Prime Minister the Rt Hon David Cameron assured the Chief Minister of his ‘staunch support’ in respect of the British Sovereignty of British Gibraltar Territorial Waters; and Supports the Chief Minister’s decision to write to the Prime Minister in light of the seriousness of the latest incident involving the discharge of weapons in British Gibraltar Territorial Waters, telling him that the people of Gibraltar are deeply concerned not only about the dangerous and wholly unacceptable nature of this particular incident but also about the constant stream of illegal incursions by Spanish state vessels into our sovereign territorial waters; and*

2165

*Calls unanimously on the Prime Minister to continue his clear and unequivocal support of the people of Gibraltar through the application of firm, diplomatic action at the highest level and, if necessary, reinforcement of the naval presence in Gibraltar so that Spain understands the seriousness of the situation and feels the true weight of British reaction to continuing violations of our sovereignty.”*

2170

Mr Speaker, I think this motion speaks for itself and it deals with issues that are live in people’s consciousness as a result of the events which occurred last Sunday when a Gibraltar in Gibraltar waters was enjoying his particular jet-ski vessel and he came under attack by a Guardia Civil launch.

2175

I have had an opportunity of discussing the terms of this motion with the Hon. the Leader of the Opposition, and I am delighted to inform the House that this motion is put on the basis that it is an agreed motion by both sides of the House.

2180

Mr Speaker, I am conscious that the Hon. the previous Chief Minister, on the 14th October 2010, had cause to make a Ministerial Statement, where he set out the then Government’s view of an incident which occurred at sea on 28th November that year within BGTW – which I will use as a shorthand for British Gibraltar Territorial Waters – and involving the Royal Gibraltar Police and the Spanish Guardia Civil.

2185

He traced, in that Ministerial Statement, 18 months of very serious incursions where the Guardia Civil had started to take executive actions in Gibraltar waters and identified the seriousness of it. It is not difficult to understand that the actions that we are talking about – when we are talking about this level of seriousness, this class of incursion and this executive action – can be traced more or less to the same time as the Spanish declaration, or attempted declaration, of a Site of Community Interest, under European law, in British Gibraltar Territorial Waters.

2190

Whatever the reason may have been, whether in 2010 or in 2013, the waters which have been demarcated, under the United Nations Convention of the Law of the Sea, as British are undeniably British for all the reasons that Members in this House know and will agree, and there is absolutely no question of it ever being legal, appropriate, proper or acceptable that a Spanish state vessel should seek to exercise any executive authority in them.

2195

The people of Gibraltar accept the right of innocent passage to a good neighbour, but what we do not accept is that a neighbour who is not so good should attempt to exercise rights in British Gibraltar Territorial Waters which are well outside the right of innocent passage.

The people of Gibraltar expect and encourage that our law enforcement agencies will work jointly with the law enforcement agencies of neighbouring states to ensure that criminality is kept under control and criminals are not able to use borders as hiding places from law enforcement officials of other states.

There is a huge amount of co-operation between the law enforcement agencies of Gibraltar and of Spain. But Mr Speaker, when there are instances where there is not a co-operation, there is actually a

2200 usurpation, or an attempted usurpation of the sovereignty of our waters by the actions that we saw on  
 Sunday and the dangers that that can bring with it – in particular when individuals on the Spanish vessel  
 discharge weapons in BGTW where they were not fired upon; when the person that they were pursuing  
 was not involved in any criminal activity, and even if they were, Mr Speaker, they should always be  
 2205 acting with the RGP in support, but worse so when there is absolutely no question of them being fired  
 upon or pursuing anybody who is involved in criminal activity – it is completely and wholly unacceptable  
 to this House, to every Member of it, to every citizen of Gibraltar, as it should be to every Member of  
 Parliament in Westminster – and, I have no doubt, in particular to those Ministers who have responsibility  
 for Gibraltar, namely the Foreign Secretary, the Minister for Defence and the Prime Minister himself –  
 that this activity should have occurred.

2210 I was happy to be able to report to the people of Gibraltar, when I met the Prime Minister last week in  
 London on the fringes of the G8 conference that he was organising, that I raised the issue of British  
 Gibraltar Territorial Waters with him and he, once again, instinctively gave me that support that we all  
 know that we have in David Cameron, of communicating to me staunch support for the defence of British  
 Gibraltar Territorial Waters.

2215 Now that this has occurred, barely seven days later, the time has come for us to see action on an issue  
 like this – diplomatic action, Mr Speaker, as we have seen David Lidington pursue, but even further  
 because I think it is an issue that requires even the Prime Minister to take the matter up directly – and of  
 course, as the motion says in its final paragraph, calling for reinforcement of the naval presence in  
 Gibraltar.

2220 I think it is fair to say, Mr Speaker, that the naval assets in Gibraltar are not of the standard that most  
 of us in Gibraltar would like to see, but that the naval personnel in Gibraltar are doing the best that they  
 can, given the circumstances. These are people who are out on the water in difficult circumstances with  
 rules of engagement, which many of us who are civilian may not be aware of, but are very strictly  
 controlled through the chain of command.

2225 We are not talking about people being in a vessel able to do what they like and what they instinctively  
 feel or what they emotionally might think is what they would like to see happen. We are talking about  
 people who are strictly controlled by the rules of engagement under which they operate, and they, as  
 much as we, need those reinforcements to be brought to Gibraltar so that the Kingdom of Spain  
 2230 understands that neither Gibraltar nor Britain will accept that she continue to ride roughshod over  
 international law and make the sort of incursion that we are seeing constantly, and in particular on Sunday  
 with the added aggravating feature of the discharge of weapons.

Mr Speaker, in a situation like the one that we have seen develop, I am very pleased to say that I have  
 been able to call on the Leader of the Opposition to agree the terms of this motion, so that this is a motion  
 from the whole House. He will have an opportunity of telling us himself his views in respect of what  
 2235 occurred on that Sunday.

I think it is absolutely incumbent on us, given that Parliament is sitting this week, after the events of  
 Sunday, to put in a motion what I have put in a letter to the Prime Minister, so that it is recorded that this  
 is the view of the whole of the elected representatives of the people of Gibraltar, meeting in their  
 Parliament, considering these issues.

2240 I dare say, Mr Speaker, that there are many in the Westminster Parliament, in the Right Hon. David  
 Cameron's own party, who will support the terms of this motion as much as in the Labour Party and in  
 the Liberal Party. Mr Speaker, I know that we can count on their support.

2245 But when events like the event of Sunday do occur, then we need more than just support. We actually  
 need to see the reinforcements come. We need to see the Prime Minister act in a way that sends a very  
 clear and unequivocal message to Spain that obviously diplomatic notes – *notes verbales*, as they are  
 known – have not managed to send in the past three and a half years since the incursions commenced and  
 the Hon. the then Chief Minister felt it appropriate to make a Ministerial Statement to our nation in terms  
 of those incursions.

2250 It is right to say, Mr Speaker, that all of us know Spain's attitude to BGTW. We all understand the  
 argument that she puts in respect of, in her view, the absence of territorial waters around Gibraltar. All of  
 us also take the view that that argument is completely unsustainable in law – that it is a ruse, Mr Speaker,  
 an argument put simply in order to try and make sustainable that which is completely unsustainable.

2255 Chief Ministers of all political complexions have challenged Spain, if she believes that Gibraltar has  
 no territorial waters because of the Treaty of Utrecht argument – that completely ridiculous argument that  
 she puts – to take that to the International Court on the Law of the Sea in Berlin: never does she accept  
 that challenge.

2260 Well, Mr Speaker, sending armed Guardia Civil officers into British Gibraltar Territorial Waters to  
 discharge their weapons is no valid alternative for having a proper and peaceful resolution of this issue in  
 a tribunal. So, Mr Speaker, I trust that the whole House will want to support this motion, will want to  
 show our unity on an issue like this – even on a day as divisive as the day when we consider the

Appropriation Bill and my reply on it – because this issue is much bigger than those party-political issues. This is a Gibraltar issue, and on these Gibraltar issues we must stand together.

2265 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

**Hon. D A Feetham:** Mr Speaker, thank you very much.

2270 Mr Speaker, the Opposition has absolutely no hesitation in supporting the motion in the name of the Leader of the House, and quite rightly: this is a time and this is an occasion in which we have to set party politics aside for the sake of national unity.

2275 This was a serious incident and it illustrates, in my view and in the view of the Opposition, the seriousness of the situation. He quite rightly points out that there have been other incidents in the past. I think that those incidents have increased in regularity over the last year-and-a-half to two years, but certainly this is something that has been brewing for some time now.

2280 I can tell the hon. Gentleman that during my time as Minister for Justice, during my time as Deputy Leader of the Opposition, during my time as Leader of the Opposition, every single time that I have either met with an official in the Convent or with officials from the United Kingdom, my position has always been that if the United Kingdom did not present a more robust position in relation to these incursions that sooner or later there would be a very serious incident that could possibly lead to serious injury or even loss of life.

2285 In relation to treatment from *bullies*... because although, as a Party, we believe in conducting our relations with Spain in a calm, mature, intelligent way, and we are always prepared to engage Spain in areas that might be of mutual interest, both to Gibraltar and also to Spain, and we have done that and our record in this respect, in our view, is second to none – we were the architects of the tripartite process and the agreements; the Cordoba Agreement that then emanated from the tripartite process – the reality is, that when you are faced with treatment that amounts to bullying you give an inch and somebody will take a mile, and we cannot afford to give an inch on something as important as the jurisdiction, sovereignty and control of Gibraltar waters.

2290 My position, every single time that I have met with those officials has been you have a duty, as the United Kingdom, to treat British Gibraltar Territorial Waters in the same way that you would treat the waters of Plymouth and Southampton, and that if this kind of incident were occurring off the coast of Plymouth and off the coast of Southampton, your reaction and the way that you would deal with this would be far more robust than the way that you are dealing with it at the present moment.

2295 I agree that, of course, as the motion calls, diplomatic action at the highest level is needed, but I believe that the time has come for the United Kingdom Government to finally send a larger asset to British Gibraltar Territorial Waters in order to act as a deterrent against these types of incursions. Therefore, I have absolutely no hesitation in supporting the action that the Hon. the Leader of the House, the Chief Minister has taken in his letter to the Rt. Hon. David Cameron.

2300 But may I say, before I finish my short intervention, that I want to congratulate as well the Royal Gibraltar Police for the very difficult work that it does in very difficult circumstances. The RGP are not there to defend the integrity, the jurisdiction or the control of British Gibraltar Territorial Waters; that is something within the jurisdiction of the Royal Navy. Very often, under very difficult circumstances, the RGP has been a thin blue line in British Gibraltar Territorial Waters, and I wish, on behalf of the entirety of the Opposition – and I am sure that it is something that the Chief Minister will associate himself with – to congratulate the RGP and the Commissioner of Police for the excellent work that both this

2305 Commissioner and indeed the previous Commissioner have done in difficult circumstances.

Thank you very much, Mr Speaker, for allowing my intervention. (*Banging on desks*)

2310 **Mr Speaker:** Does any other hon. Member wish to contribute to the motion?  
If no other Member wishes to speak, I will call on the mover to reply.

**Hon. Chief Minister:** Mr Speaker, I am grateful for the full support of the hon. Gentleman on this important issue. He has heard me congratulate the RGP before on this issue, as I have heard him.

2315 This is an issue that I am sure we all agree on, and I would therefore propose, Mr Speaker, that we amend the motion to add at the end of it that we, as a House, congratulate the Royal Gibraltar Police, the Gibraltar Defence Police and the Royal Navy for the work that they already do in BGTW in these difficult circumstances, and I will circulate a paragraph that says exactly that, Mr Speaker. So, I propose that amendment to the motion.

2320 **Mr Speaker:** On the amendment.



**Hon. D A Feetham:** Mr Speaker, speaking on the amendment, the Hon. the Chief Minister is absolutely right to recognise also the work of the Boat Squadron, but in particular as well, and it was remiss of me not to mention them, the work of the Gibraltar Defence Police.

2325 I have absolutely no hesitation in agreeing to the amendment.

**Hon. Chief Minister:** I am grateful, Mr Speaker.

2330 In summary, Mr Speaker, I think that this is not a time for us to be looking at the detail of what we are saying. I think it is important that we all actually agree as much on the substance as we do on the detail of this, expressed one way or another.

I have the Ministerial Statement made by the previous Chief Minister to hand. He said something I think it is just worth reflecting on after something that the hon. Gentleman has said. In the middle of his Statement, he said:

2335 'In summary, over the past 18 months or so,'

– this is in October 2010 –

2340 'Spanish direct action in our waters has passed from the historical simple incursions, first to incursions coupled with the exercise of executive powers by them and now to an incursion aggravated by interference with and the prevention of the exercise by the RGP of their powers and jurisdiction, aggravated further by the threat and use of physical force against our police officers.'

2345 And that, Mr Speaker, the Hon. the then Chief Minister said was one of the key issues in leading to the... Let's just call it the suspension, without going any further, of the tripartite that would have been dealing with some of those issues. That is the importance that we have always put on the subject and I am pleased to see is something that is the position across the floor of the House.

2350 The position that the hon. Gentleman then also put, which is the one I have put... that if Spain wants to make a case in respect of these waters, she will never win it, but the place to do it is in the international court, dealing with issues of international law in a modern and serious way, and not endangering the lives of police officers, her own civil guard or of innocent users of pleasure craft, as was done this weekend.

2355 Mr Speaker, I am very grateful for everything that the hon. Gentleman has said in support of the motion put, as amended. I am grateful for his support on the amendment, and I therefore now move that the House vote – and, for the purposes of the vote, I would ask that we take a division.

**Mr Speaker:** In the interest of correct procedure. Let us, first of all, vote on the amendment, so that it is officially and properly incorporated into the motion.

2360 I would suggest to the Chief Minister that he might wish to have a very short recess in order to see exactly where that amendment about the Royal Gibraltar Police fits into the motion, because I do not think it fits in at the end of the motion. So may I suggest that we recess for five minutes?

**Hon. Chief Minister:** I think that would be very useful, Mr Speaker. Thank you.

2365 **Mr Speaker:** The House will recess for five minutes.

*The House recessed at 7.15 p.m. and resumed its sitting at 7.20 p.m.*

2370 **British Gibraltar Territorial Waters  
Guardia Civil attack on pleasure craft  
Debate resumed  
Amended motion carried**

2375 **Mr Speaker:** The amendment of the Chief Minister is to amend the motion by introducing, as a second paragraph, the following:

2380 *“Congratulates the Royal Gibraltar Police, the Gibraltar Defence Police and the Royal Navy for the work they already do in British Gibraltar Territorial Waters in these difficult circumstances.”*

I will put the amendment to a vote.

Those in favour? (**Members:** Aye.) Those against? Carried.

So, what is now before the House is the original motion as amended by the insertion of this new second paragraph, so any hon. Member who has not spoken on the original motion may do so now.

2385 The Hon. Mr Gilbert Licudi.

2390 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I rise specifically as Minister with responsibility for Justice – because we now have an amended motion before us – simply to say that it is right that this House recognises the work and the contribution of the RGP and the Defence Police, including the Boat Squadron, in, as the hon. Member opposite has said, sometimes difficult circumstances, but always excelling in the protection of law and order in Gibraltar, including in our waters.

2395 They are the ones who are entrusted with the maintenance of law and order in Gibraltar, and what we cannot have is an arm or a vessel of a law enforcement agency of another state coming into Gibraltar, in whichever form – whether it is on land or on the sea in British Gibraltar Territorial Waters – and exercising any kind of jurisdiction whatsoever. That is what *our* law enforcement agencies are there for, and if there is any illicit activity happening at sea, then our law enforcement agencies will deal with them.

2400 Sometimes there will be cross-border issues in relation to any kind of illicit activity, and it is right, as the Chief Minister has said, that in those circumstances there should be proper and full co-operation between the forces. But on this occasion, in relation to the incident that we are discussing, debating today, this did not involve any cross-border issue and therefore there was no right, even if it involved cross-border issues. Law enforcement agencies of another state – the Spanish state – should exercise jurisdiction in *their* waters and in *their* waters alone. There can be no justification whatsoever for a vessel of the Spanish state to come to Gibraltar waters to exercise any kind of jurisdiction; less so to do it in the particular manner that it was done in this particular case.

2405 The Chief Minister referred to the incident as being one where the jet-ski came under attack. Those of us, all of us, who have seen the footage know that that is precisely what has happened. We would have seen a large vessel from the Spanish state weaving and turning in almost a desperate chase, within Gibraltar waters, of a jet-ski. To boot, this was not a jet-ski, quite clearly, that was involved in any kind of illicit activity – not that that would have justified intervention by the Spanish state – but this was a young gentleman enjoying a Sunday afternoon with his family. We have seen reports that, very shortly before the incident, a young girl had been the passenger on the jet-ski itself and this was simply a family affair – the enjoyment of summer around Gibraltar's beaches, which should not be subjected, under any circumstances whatsoever, to this kind of behaviour by a law enforcement agency of another state.

2415 So it is right that we send out a clear message that this kind of behaviour cannot be permitted under any circumstances whatsoever and cannot be permitted to pass with impunity; and it is right, as we are doing today in this House, that there should be an appropriate level and the fullest level of condemnation in the strongest possible terms.

2420 **Mr Speaker:** Does any other hon. Member wish to contribute?  
Does the mover want to exercise his right to reply any further?

**Hon. Chief Minister:** Mr Speaker, I think that we are all speaking with one voice on this issue.

2425 **Mr Speaker:** I am putting the motion to the vote.  
Is a division desired?

**Hon. Chief Minister:** I think we decided not to.

2430 **Mr Speaker:** Ok, then. Right. I will therefore, the... I now put the question in the terms of the motion as amended, proposed by the Hon. the Chief Minister.  
Those in favour? (**Members:** Aye.) Those against? Carried unanimously. (*Banging on desks*)

2435

**Gibraltar Medallion of Honour  
Mr Perry Stieglitz**

2440 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

2445 *“This House bestows the Gibraltar Medallion of Honour upon Mr Perry Stieglitz, who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular, for*

*services to the development of the relationship between the people of the United States of America and Gibraltar.”*

2450 Mr Speaker, I think hon. Members opposite as much as hon. Members on this side of the House will be aware of the role that Mr Stieglitz has played in the development of that relationship which the motion refers to.

2455 I have had cause to know Perry since the time that I started to travel to the United Nations with the then Leader of the Opposition, Mr Joe Bossano, who had been the person who, as Chief Minister between 1988 and 1996, had involved Mr Stieglitz in the relationship of the people of Gibraltar and the United States. Therefore it is a relationship that goes back that far, to the late 1980s.

2460 I know hon. Gentlemen opposite will be aware that, in the time when the hon. backbencher was Chief Minister, he continued to work with Mr Stieglitz and was the point of contact in the United States for many years as the Head of the Gibraltar American Council. He was the person who took Chief Ministers of Gibraltar around the United... New York, in particular, at the time of visits for the United Nations etc, and therefore this year that Mr Stieglitz has retired from the leadership of the Gibraltar American Council I think is an absolutely appropriate time to recognise the work that he has done in the past 25 years by the bestowing on him of this Gibraltar Medallion of Honour in the name of all of the people of Gibraltar whose interests he so ably represented in the United States.

2465 Mr Speaker, I trust that this will be a motion that will enjoy unanimous support to show Mr Stieglitz, who is now of very, very advanced age, how much the people of Gibraltar appreciate the work that he has done.

2470 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

**Hon. D A Feetham:** Mr Speaker, the Opposition will be supporting the motion.

2475 Perry – and I know that he will not be offended by my using his first name – was somebody who had served Gibraltar for many, many years.

I first met him in... I think it was 1990-91. I was a student at the time, coming back to Gibraltar from the United Kingdom, and I met him here in Gibraltar during the summer holidays. He was somebody who was extremely passionate about Gibraltar.

2480 I had the pleasure of working with him from 2002 to 2005 when I went to the United Nations with the former Chief Minister and Leader of the Opposition. Perry was always extremely conscientious, he was enthusiastic, he was hardworking; but above all, he was an extremely courteous man, a very courteous man, very passionate about Gibraltar.

2485 I know, having known him, perhaps not as well as the Hon. the Father of the House, who... I know that Perry was very fond of him and he was very fond of Perry. But certainly I know, from having worked with him and known him personally, that he would be absolutely delighted, over the moon, at receiving this recognition from the people of Gibraltar and we have absolutely no hesitation in voting in favour of the motion.

2490 **Mr Speaker:** Does any other hon. Member wish to speak on the motion?  
The Hon. Mr Bossano.

2495 **Hon. J J Bossano:** Just to add to what has been said perhaps something that not every Member is aware of, which is in fact that the connection dates back from 1986 when the US Government invited me, when I was Leader of the Opposition, to go for a month to the United States as the guest of the US Government, because apparently the CIA had already decided we were going to win – the GSLP was going to win in 1988 –

**A Member:** They fixed it, then!

2500 **Hon. J J Bossano:** – and Perry, who was then in the State Department, was actually engaged to be my escort in that month, and that is how the relationship started.

So he was supposed to convince me about the merits of American capitalism in that month and I was supposed to convince him about the merits of the Gibraltarian identity and the wonderful place that the Rock was. I think I was more successful than he was, and that is why he fell in love with the Rock at the end of the month.

2505 So it is a great pleasure for me to recall the deep affection that we have for each other, born out of that month that we spent together, and that we are doing something that, in a small way, recognises his commitment to Gibraltar and to the rights of the people of Gibraltar. (*Banging on desks*)

2510 **Mr Speaker:** I call on the mover to reply.

**Hon. Chief Minister:** Mr Speaker, it is probably annually a feature of this particular session of the Parliament, whether it is June or July, that it becomes very acrimonious but it always ends with this sort of motion – not just on the waters, but bestowing the Medallion or the Freedom – in actually a very convivial way, and therefore I am delighted that this motion will also be supported by hon. Members opposite.

2515 If I can just... If he will allow me to jest with him: when he says that Perry will be over the moon, of course the Hon. the Leader of the Opposition does not mean Princess Moune, who is Perry's wife, as he will recall! (*Laughter*) I am sure she too will be delighted and she too deserves Perry's recognition in this way, because of course she has had to put up with the travelling that representing us has meant.

2520 I am delighted that we, *all* of the Members of this House, are therefore unanimously bestowing this Honour.

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister.

2525 Those in favour? (**Members:** Aye.) Those against? Carried.

### ADJOURNMENT

2530 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn *sine die*.

2535 **Mr Speaker:** I now propose the question, which is that the House do now adjourn *sine die*. I now put the question, which is that this House do now adjourn *sine die*.

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

2540 The House will now adjourn *sine die*.

*The House adjourned sine die at 7.35 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.30 a.m. – 10.45 a.m.

Gibraltar, Thursday, 18th July 2013

## The Gibraltar Parliament

*The Parliament met at 9.30 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

### PRAYER

*Mr Speaker*

## Order of the Day

### OATH OF ALLEGIANCE

**Clerk:** Meeting of Parliament, Thursday 18th July 2013.

(i) Oath of Allegiance of the Minister for Financial Services and Gaming, the Hon. Albert Joseph Isola.

5 **Minister for Financial Services and Gaming (Hon. A J Isola):** I, Albert Joseph Isola, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law. So help me God.

10 **Mr Speaker:** May I congratulate the Hon. Albert Isola on his election and welcome him to this House.

15

**CONFIRMATION OF MINUTES**

20 **Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th, 24th, 25th and 27th June 2013.

**Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

*Mr Speaker signed the Minutes.*

25 **Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid.

**DOCUMENTS LAID**

30 **Clerk:** The Hon. the Chief Minister.

35 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Annual Accounts of the Gibraltar Government for the year ended 31st March 2012; the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2013; the Import Duty (Franchise Regulations) (Amendment No. 2) Regulations 2013; the Import Duty (Integrated Tariff) (Amendment No. 5) Regulations 2013; a Review by the Principal Auditor on the Payments made by Government to S P (Butchers) Ltd; and a Review by the Principal Auditor of the Payments made by Government to the OEM Group of Companies and Haymills (Gibraltar) Ltd.

40 **Mr Speaker:** Ordered to lie.

**Clerk:** The Hon. the Minister for Education, Telecommunications and Justice.

45 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Prison Board for the year ended 31st December 2012 and the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2013.

50 **Mr Speaker:** Ordered to lie.

I have the honour to report that, in accordance with Standing Order 12(3), the Report of the Principal Auditor on the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2012 has been submitted to Parliament and I now rule that it has been laid on the table.

55 I have the honour to report that, in accordance with Standing Order 12(3), the Ombudsman's Annual Report for the year ended 31st December 2012 has been submitted to Parliament and I now rule that it has been laid on the table.

60 **Hon. D A Feetham:** Mr Speaker.

**Mr Speaker:** The Hon. the Leader of the Opposition.

**Hon. D A Feetham:** Yes, Mr Speaker.

65 The hon. Gentleman mentioned two Reports from the Principal Auditor. Are the two Reports in question subsumed within the Annual Accounts of the Principal Auditor, or are we going to obtain copies now, because we do not have copies of those two Reports on this side of the House.

**Hon. Chief Minister:** Mr Speaker, I understand that they are the ones being circulated now by the lady usher.

70 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.

## Questions for Oral Answer

75

### TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

#### ITB fair in Berlin Attendance; cost; results

80

**Clerk:** Question 515/2013, the Hon. D J Bossino.

85

**Hon. D J Bossino:** Can the Minister for Tourism advise who attended the ITB fair in Berlin, what the cost of such attendance was to the Government/GTB, and what the result of such attendance was?

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

90

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Tracey Poggio of Gibraltar House in London and Stuart Finlayson of the Gibraltar Tourist Board attended the ITB fair in Berlin, Germany, on 6th and 7th March of this year.

95

Germany is the largest European outbound travel market. This was a fact-finding mission for the two attendees as observers, investigating the possibility of exhibiting at ITB in the future. The visit was also aimed at establishing contacts with German PR companies with a view to attracting city-break tourism from Germany to Gibraltar. Proposals have been received and these are being considered, as is attendance at this trade fair.

The details of the costs to the GTB on the attendance are outlined in the schedule I hand over to the hon. Gentleman.

#### SCHEDULE TO QUESTION NO. 515/2013

##### ITB BERLIN

SUBSISTENCE	201.71
HOTEL ACCOMMODATION	741.40
TRAVEL EXPENSES	205.75
FLIGHTS	834.90
MISC	111.90

100

**Hon. D J Bossino:** Mr Speaker – whilst I get a copy of the schedule – the Hon. Minister has mentioned the potential that Germany has for outbound tourism, and indeed he made a similar statement during the course of his Budget contribution where he said that Germany, in particular, is a country holding great potential in outbound tourism for Gibraltar.

105

Can I ask him how he has come to that conclusion and whether any market research has been carried out by the GTB, because of course he also says in his Budget address, and also in his reply just given to the House, that the two attendees from Gibraltar, from the GTB, went on a fact-finding mission. So I just wanted to marry those two issues together and find out whether any *prior* market research had been carried out by his Department before sending these two individuals to Berlin.

110

**Hon. N F Costa:** Mr Speaker, in respect of the first part of the hon. Gentleman's question, as to the number of Germans that travel abroad on holiday, that is research that we have been able to obtain from different sources. It is not an empirical study that the Gibraltar Tourist Board or the Gibraltar House in London has carried out. We have been able to rely on research and studies conducted by other people. We do know from those studies and from that research that Germany is the largest outbound tourist market, as I have said in the answer to the Question.

115

The reason why we have attended as observers is primarily because of cost. To attend the ITB fair is not a cheap or a low-cost exercise, so we have to value whether attendance and marketing at a particular fair is cost effective, and as you know, that is one of the main planks from which we conduct our marketing and attendance at any of these fairs.

120

Secondly, in order to establish contacts, we understand, again from the contacts we have had so far, that 80% of the outbound tourism from Germany is conducted by German tour operators. In other words, in order to be able to crack into that market, Gibraltar needs to be able to sell herself by these tour operators in Germany. So we have established contact with two of them to see how best we can sell Gibraltar through them and that was the purpose, mainly, of the attendance as observers at the ITB fair in Berlin.

125

130 **Hon. D J Bossino:** Mr Speaker, can he just confirm that the result of the attendance is the contact that has been made in relation to these tour operators? Is that the totality of the results of the attendance?

**Hon. N F Costa:** Mr Speaker, there were various objectives achieved. The first was to establish contacts with – as I said in the original answer to the Question – PR companies. These PR companies will be able to advise us how to best approach/target the German market.

135 Then we had two additional meetings with the representatives of local travel marketing companies that have a specialty in promoting Germany in small countries, such as Jersey. These are the people that we met so that the Tourist Board and Gibraltar House in London – which he knows does a lot of work for the GTB in terms of promoting Gibraltar as a city break destination – know how best to be able to sell Gibraltar in Germany.

140 There were also additional meetings with, for instance, a particular travel organisation that we met in Fitur this year in Madrid – in fact, two tour operators that we met in Madrid – and they were also at the ITB fair in Berlin and further discussions were also held with them.

145 **Niche markets  
Pursuance by GTB**

**Clerk:** Question 516, the Hon. D J Bossino.

150 **Hon. D J Bossino:** Can the Minister for Tourism provide details of how the GTB is pursuing niche markets?

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

155 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the niche market sector of the Tourism industry is wide and varied. At present, the Gibraltar Tourist Board is pursuing the following activities.

160 Event-led tourism – This is actively being pursued in partnership with the Ministry of Culture. As this House knows, events such as the Gibraltar International Jazz Festival and the Gibunco International Literary Festival have been established, to name but a few, giving visitors an incentive to travel to Gibraltar for these events. The markets will not only cover the cultural aspects of Gibraltar's product, but also sporting events.

165 Bird watching – As detailed in my Budget address, an initiative was taken by the Bland Group earlier this year to invite journalists and tour operators in this field to visit Gibraltar. The event was supported and endorsed by the Gibraltar Tourist Board. It is hoped that this will generate more interest in this particular activity. The GTB has also advertised in the Royal Society for the Protection of Birds magazine this year and has met with experts in the field locally and has already engaged specialists in the tour-organising aspect of this market.

170 MICE markets – As also detailed in my Budget address, the GTB formed part of the Meet and Talk Forum, which was held in Gibraltar and organised by the Bland Group. The forum brought together top agencies and meeting planners from the United Kingdom and Europe specialising in the MICE market, or the Meetings, Incentive, Conferencing and Events market. The GTB is also in the process of launching a new meetings folder with participation by the local industry. As the hon. Gentleman knows, this year the GTB exhibited for the first time at the IMEX trade fair in Frankfurt. This event is specifically aimed at the MICE markets. Gibraltar is ideally placed to host small-to-medium-sized events in this category and it is vital that the GTB supports local industry partners in pursuit of this market.

175 The weddings market – The GTB has now set up a weddings committee, which will meet regularly so that all those selling this product can work together to improve on the services on offer. The GTB continues to advertise in wedding publications in the UK. The administrative process for marriages and the marriage procedure is currently being reviewed by my Ministry and the GTB to see if any improvements can be made.

180 Diving – Diving is another important area for expansion and the Ministry for the Environment is working initially on the regulatory aspects of this market before we can develop further in terms of tourism.

185 Golf – The Rock also, Mr Speaker, is ideally placed as a base and a gateway to some of the most important golf courses in mainland Europe. Of course, we are referring to Spain. We are keen to attract more visitors to Gibraltar in this respect and are actually working on this in conjunction with a potential tour operator based in Spain.



190 New tours – As the hon. Gentleman will have already heard me say on various occasions, the GTB have explored new tours and brought these to fruition – such as wine tasting and other events at the Garrison Library; tea at the Mayor’s Parlour – and are now actively considering even more options with industry partners.

195 In many of these activities the GTB has also encouraged all its industry partners to enter into joint marketing activities to promote the expansion of these markets.

**Hon. D J Bossino:** Mr Speaker, I thank the Minister for his very full and comprehensive reply and I must say from this side of the House that I do congratulate him for setting up all these potential avenues to develop the niche markets. I think it is something that we certainly welcome and I congratulate him for doing so. I will certainly be very keen to see the fruits of that over the next... well, now two-and-a-bit years of the life of this Parliament.

200 The one point he... just to home in, and the reason why I ask this question is because firstly... and I know he has conflated both issues at the beginning of his reply when he refers to event-led tourism and niche markets; he nevertheless, during the course of his Budget address, separates both of those two markets, and in relation to niche markets he only made a reference to bird watching. So I am glad to hear that there is, in fact, much more than just that particular niche market which is being pursued.

205 But in relation to bird watching, he refers in his Budget speech in the following terms, he says in particular bird watching is of significance. I would ask him in what way does his Department think that bird watching is of significance in this area; and, indeed, if I can just add, what the measure is of this conclusion?

**Mr Speaker:** Whilst I can understand that the Hon. the Minister for Tourism says that there are tourists interested in coming to Gibraltar to see the birds, I am frankly surprised – and perhaps he might clarify the matter – why they should be interested in coming to see the mice?

215 **Hon. D J Bossino:** Mr Speaker, yes of course, well, obviously the Minister will answer, *(Laughter)* but I think we all certainly have understood...

220 **Mr Speaker:** I think on this occasion the Speaker should be allowed a supplementary question as well.

**Hon. D J Bossino:** It was not a reference to the rodents! *(Laughter)*

225 **Hon. N F Costa:** Mr Speaker in respect of the first question asked by the hon. Gentleman on bird watching, this is one of those times that I wish somebody else was answering for me, and of course I refer to the hon. Gentleman to the right.

230 The reality is that, in fact, the bird watchers that I have met and who have come to Gibraltar have always told me of the spectacular site that Gibraltar is for this phenomenon and the fact that when they were considering, as enthusiasts of bird watching, where to go, Gibraltar was one of the places that they themselves thought of first as being the crossroads of the world, but had not been able to find adequate literature or promotion of it on websites etc.

235 This is why I say in the answer to the Question that we have been in conjunction with one particular local travel operator in Gibraltar who invited certain people over so that Gibraltar could be promoted as a bird-watching centre. There is a lot more work, I think, that has to be done here, because of course Gibraltar is known for certain things, but not necessarily for bird watching; and yet bird watching, in my view – and certainly, I think, in the view of the Hon. the Minister for the Environment – should be one of the main touristic platforms by which Gibraltar should be sold.

240 Of course, whereas the GTB is not in the business of selling tours, it is certainly in the business of promoting those parts of Gibraltar which lend themselves to tourism, and bird watching is one of them. This is why we have partnered with, in this particular case, Blands, and why we supported the invitation of journalists and other tour operators from across the globe to come to Gibraltar and see how bird watching could be conducted in Gibraltar.

In respect of the question of the Hon. Speaker...

245 **Mr Speaker:** I will allow the Hon. Minister to get away with having to answer that question. *(Laughter)*

**Hon. D J Bossino** I am grateful. I agree! *(Laughter)*

250

**UKGTA**  
**Details of meetings**

**Clerk:** Question 517, the Hon. D J Bossino.

255

**Hon. D J Bossino:** Further to his answer to Question 85/2013, can the Minister for Tourism state how many further meetings of the UKGTA have been held, together with the dates and locations of such meetings, who the attendees were, to include details of who ordinarily attends such meetings but failed to do so.

260

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

265

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as the hon. Gentleman knows, there have been two meetings of the UKGTA since Question 85/2013.

A meeting was held on 20th February of this year at the Copt Horne Hotel in Birmingham, UK, on the same day a tourism road show was being held at this location. Another meeting was held on 6th June of this year at Gibraltar House in London, also coinciding with a tourism road show held on that same day in London.

270

I now hand over to the hon. Gentleman a schedule with the detail of those who were invited to attend the meetings and those who sent apologies. The detail of who ordinarily attends these meetings was answered in Question 85 of this year.

**SCHEDULE TO QUESTION NO 517**

**Meeting of the UKGTA - Wednesday 20<sup>th</sup> February 2013**

<b>Attending:</b>	<b>Apologies:</b>
Minister Neil Costa MP (MC)	Keith Chute BA
Nicky Guerrero GTB	Mary Kinch O'Callaghan Elliott Hotel
Peter Canessa GOG	Tim Mitchell – Gala Casino
Audrey Vella GTB	Bob Kumar My Gibraltar
Terence Lopez Gibraltar Int Airport	Franco Ostuni Caleta Hotel
Sophie Thackeray Classic Collection	
Charlotte Earless Superbreak	
Liz Mason Thomas Cook/Cresta	
Ali Gayward easyJet	
James Massey Monarch	
Nuria Saccone Bland Group	
Sixto Parody - Parodytur	
Bob Pugh Parodytur	
Ronald Ignacio Gibraltar Taxi Association	
Mandy Gaggero MH Bland	
Ian Leyde - GTB	
Tracey Poggio – GTB	

**Meeting of the UKGTA - THURSDAY 6<sup>TH</sup> June 2013**

<b>Attending:</b>	<b>Apologies:</b>
Minister Neil Costa MP (MC)	Ali Gayward easyJet
Nicky Guerrero GTB	Tim Mitchell – Gala Casino
Peter Canessa GOG	Vanda Bauer Classic Collection
Audrey Vella GTB	Liz Mason Thomas Cook/Cresta
Terrence Lopez Gibraltar Airport	Franco Ostuni Caleta Hotel
Keith Chute BA	
James Massey Monarch	
Simon Lester Lester Hotels	
John Prentice My Gibraltar	
Chris Hagan Superbreak	
Nuria Saccone Bland Group	
Bob Pugh Parodytur (Chair)	
Mandy Gaggero MH Bland	
Henry Catania MH Bland	
Ronnie Ignacio Gibraltar Taxi Assoc	
Mary Kinch O'Callaghan Elliott Hotel	
Ian Leyde - GTB	
Tracey Poggio – GTB	
Justin Bautista GTB	

275

**Hon. D J Bossino:** Mr Speaker, whilst I await delivery of the schedule, simply to point out to him that I was not aware of the fact that there had been a UKGTA meeting on 6th June. I know he smiles, and no doubt he will tell me why he thinks that I was aware. I am just briefly looking at his reply in February and there is a reference to the meeting of 20th February.

280 The other point I would just like him to clarify is he says that in an answer which he provided in a schedule to my Question 85, he says that he stated who ordinarily attends but failed to attend. I do not see, from my reading of the schedule, that that is in fact the case and maybe he can lead me in the right direction on that score as well.

285 **Hon. N F Costa:** Mr Speaker, the reason why I told the hon. Gentleman that I know that he knows when there have been meetings with the UKGTA is because I know from sessions of this House that he is a passionate and avid reader of my press statements. I refer him to press release 397 of this year, which mentions the latest UKGTA, and also number 110 of this year, of 21st February, which also sets out the date of the UKGTA.

290 In respect of the second question he asks me, what I said in my original answer was that the detail of those who ordinarily attend the meetings was answered in Question 85/2013; but in any event, if he cares to look at the schedule which I hand over to him now, he will see in any case that I have given him the answer again. I set out who attended and who sent apologies, so he will be able to...

295 **Hon. D J Bossino:** Yes, Mr Speaker, that is the extent of the information that I received back in February, and whether I am an avid reader or not of his press releases is something that we can put to one side for the purposes of my question, but simply to point out that I missed out on that particular press statement... is it has been a particularly – two, he says – it has been a particularly busy couple of months.

300 Mr Speaker, there is one... and I wonder if he can assuage any concerns that I certainly have from this side of the House, just to predicate this question on this bit of intelligence which I have received from his predecessor bar one, and that is that I am told that UKGTA meetings – and it is important to emphasise the letters ‘UK’ – were attended by, on average, 10 to 12 people within the UK tourism sector.

305 The worrying trend and the concern that I have arising from that worrying trend – as far as I can see from the answers that he has given us in this House – is that both April, June, October and now the two meetings that he has had during the course of 2013, the average seems to be, of outside attendees, i.e. from the UK it seems to be in the region of between four and five. Indeed, Mr Speaker, the UK GTA meeting, which was held on 26th June in *London*, had zero attendees.

310 So we had a UKGTA meeting held in London – unless he can clarify the position to me, and I know he is creasing his forehead – and it seems odd that all the attendees there were Gibraltar attendees. Can he just assuage any concerns that I may have that there seems to be a depletion from what the position was when we were in Government to what the position appears to be now?

315 **Hon. N F Costa:** Mr Speaker, in respect of the preface to his question to me that we should leave to one side whether or not he is an avid or passionate reader of my statements, he only needs to consider the *Hansard* in respect of *every* session of the House, when not only does the hon. Gentleman refer me to my press releases, but he in fact chastises me when I do not issue a press release and he finds out intelligence on the street that there has been some observer status or some attendance at a fair and he asks me a question and he prefaces his question by saying, ‘The hon. Gentleman has not issued a press statement.’ So he is a passionate reader suddenly of my press releases and those which the hon. Gentleman thinks I should be issuing.

320 In respect of the concern that he has, which I hope to be able to assuage him to his full satisfaction, let me tell him that in respect of the UKGTA of 20th February, there were six attendees from the UK, on 6th June there were three, and in respect of this particular UKGTA – and I remember that I told the hon. Gentleman that we held a roadshow to be able to promote the London catchment area from UK London airports to Gibraltar – that was the best-attended UK roadshow ever. So, if he had any concerns, he should not have any concerns because, as I told him then, the event was so popular and was so oversubscribed that we had to turn some travel agents away.

330 **Hon. D J Bossino:** Mr Speaker, I am just somewhat concerned with my hon. Friend... sorry, the hon. Member – who is obviously my friend, but one should not refer to friends on the opposite side of the House on that basis – the Hon. the Minister, that maybe, given that there has been a minor reshuffle, he should make representations to the leader of his Party and the leader of the Government, the Chief Minister, and seek an alternative position in Government, because clearly his adversarial and combative style, which is suited to his time when he was practising as a barrister, is not suited to the position which he currently holds as the Minister for Tourism. He seems to have the ability to find political controversy in the most innocuous and, I think, least political questions which I pose.

335 But putting that preamble to one side, Mr Speaker, can I ask him a specific point: in the apologies sections, which he has given to me in relation to the previous meetings, I think...yes, in fact in all of them during the course of 2012, Mr Albert Poggio, who is the UK representative, as we all know, is cited as providing an apology for being unable to attend, whilst he then disappears in the other schedules – unless

340

he is an attendee, but I do not think he is. Can he ask why that is the case, or rather, can he reply as to why that is the case?

345 **Hon. N F Costa:** Mr Speaker, contrary to my hon. Friend, I have absolutely no hesitation in calling him my hon. Friend. It has always been the convention of the House that we are all parliamentarians and therefore friends, and I have no hesitation in calling him that (*Laughter*), notwithstanding my alleged combative style in this Parliament.

350 Mr Speaker, the hon. Gentleman, if he were to have any degree – and now I shall be combative – of political credibility, he cannot start a question by prefacing it by saying, ‘In order to assuage my concerns...’ He already puts me in a defensive position because he is already suggesting, implicit in that statement or preface of the question, that I have done something which is not quite right. So he should forgive me that I should adopt this position when he prefaces the questions in the way that he does. Were he to ask a perfectly objective question in an open manner – ‘Could he say why...?’ – rather than the implicit statement within that question which he makes... So the hon. Gentleman should not presume to be mortally wounded by the way that I answer his questions when he prefaces them the way that he does.

355 Why Mr Poggio does not attend meetings of the UKGTA in 2012... I am afraid that I have not yet enquired or sought to enquire why people do not attend the meetings and I have not sought to enquire why Mr Poggio did not attend in 2012, but I can tell the hon. Gentleman that, now that he has asked me in this House, I shall ask him.

360 **Hon. D J Bossino:** Mr Speaker, with respect, he misses the point completely. He misses the point completely.

365 The issue that I am raising is not as to why Mr Poggio in this case has been unable to attend. The point is that he is listed as an apology in the apologies section, but he is no longer, he does not feature in the 2013 schedule. That is the only point I am raising, and I am afraid that the Hon. Minister, despite his bluster, has not answered the question. Can he please answer the question?

370 **Hon. N F Costa:** Mr Speaker, for the hon. Gentleman to become so upset over whether I have answered his question when he just chastised me for being combative... Really, it is the Twilight Zone, at times, here in this Chamber.

375 The reason why Mr Poggio may have appeared as having provided apologies in 2012 was, as a matter of fact, I imagine, because he could not attend. Why he does not appear now as an apology can only be because – and I am speculating – there was a transition with him in respect of the tourism matters that he may have been assisting Mr Canessa with, and now he does no tourism matters at all. Those are dealt with exclusively, from my work with Mr Canessa, by Mr Canessa, and they may have, between them, decided that there is no need for him to attend all UKGTA sessions. I am speculating. The truth is I do not know.

380 **Hon. D J Bossino:** Yes, Mr Speaker, that is an answer, but I would ask the Minister to find out, rather than base his answer on speculation because he does not know. I would ask him to find out the true facts, sir. I would be grateful for that.

385 **Hon. N F Costa:** Mr Speaker, I will be delighted to answer the questions of which I am given notice.

#### **Airport runway tunnel Update on Government plans**

390 **Clerk:** Question 518, the Hon. S M Figueras.

395 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Minister for Transport say whether he is now in a position to tell the House whether the Government has developed options for an alternative runway crossing for public service vehicles during peak times; and, if so, what options it has or is considering?

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

400 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, the position remains the same as set out in my answer to Question 217 of May of this year.

405 **Hon. S M Figueras:** Mr Speaker, is the Hon. the Minister able to indicate whether this is a matter that the Government considers something it needs to give any attention to, either in the current context or in the context of future plans for the tunnel under the runway and trying to alleviate the difficulties that public service vehicles encounter every day?

410 **Hon. N F Costa:** Yes, Mr Speaker, simply to tell the hon. Gentleman that because I am not able to give him any specifics does not mean that the Government is not dealing with the matter and is considering its options.

415 What I have said in the answer to my Question is that it remains the same – in other words, the matter is being actively considered. I am doing so with the Hon. the Chief Minister. We just do not have, at this particular juncture, the ability to provide him with a particular specific plan because we have not been able to finalise that yet. It is not that we are not actively looking, meeting and discussing it.

**Hon. S M Figueras:** Just one final supplementary, Mr Speaker – and I am grateful for the Minister's intervention in this respect – am I to take from the hon. Member's answers this morning that there are, in fact, realistic options that are being looked at as a possibility for the future?

420 **Hon. N F Costa:** That is correct, Mr Speaker.

## 425 HEALTH AND THE ENVIRONMENT

### New mental health facility Progress; interior design details

430 **Clerk:** Question 524, the Hon. Mrs I M Ellul-Hammond.

435 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if he is satisfied with progress on the interior of the new mental health facility at the former RNH site and advise what the dimensions of the different bedrooms for patients are and whether they have en-suite bathrooms or just sinks in the rooms?

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

440 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I can confirm that I am satisfied with the progress to date on the interior of the new mental health facility.

The accommodation provides a number of habitable rooms – 16 twin and 20 single rooms – specifically designed for the relative care provided on each floor, such as for patients with enduring mental illness, Rehab and Psychiatric Intensive Care Unit/Acute.

445 At the outset, bedrooms did not provide en-suite facilities or individual wash hand basins. As the scheme developed, it has been possible to develop and include a high dependency en-suite room on the rehabilitation wing. Also, three high dependency rooms in the acute ward now have an en-suite WC with wash hand basin.

450 The length and widths are provided as per the schedule that I will now hand over and have been designed respecting the existing cultural heritage of the building. There is more information in the schedule.

**ANSWER TO QUESTION 524**

MENTAL HEALTH FACILITY BLOCK C (BEDROOM ACCOMMODATION)

LOCATION	TWIN	LENGTH	WIDTH	SINGLE	LENGTH	WIDTH	
UGF WEST (EMI WARD)	R2108	4.089	3.193				1 No Respite bed
	R2106	4.088	3.193				
	R2105	4.084	3.193				
	R2104	4.105	3.193				
	R2103	5.597	3.193				
	R2114	6.125	2.244				
	R2117	5.887	2.244				
1st FLOOR WEST (REHAB)	R3108	4.107	3.208	R3114	3.012	2.221	<b>HD En-suite EXCLUDED</b>
	R3106	4.077	3.208	R3115	3.027	2.221	
	R3105	4.089	3.208	R3117	3.017	2.221	
	R3104	4.082	3.208	R3118	3.199	2.221	
				R3102	2.508	2.191	
1st FLOOR EAST (REHAB FLATS) 3 bed unit				R3302	2.690	3.020	
				R3303	2.831	3.020	
				R3305	3.013	2.840	
4 bed unit	R3313	2.900	3.775	R3311	2.460	3.555	
				R3312	2.281	3.594	
2nd FLOOR WEST (PICU)	<b>R4108</b>	<b>4.107</b>	<b>3.208</b>	<b>R4103</b>	<b>2.675</b>	<b>3.160</b>	ample rooms
	R4106	4.078	3.160	R4114	3.021	2.502	
	R4105	4.088	3.160	R4115	3.015	2.502	
	R4104	4.082	3.160	R4117	3.014	2.502	
				R4118	3.020	2.502	
2nd floor east				R4302	2.166	2.836	Vulnerable 1
				R4303	2.848	2.836	Vulnerable 2
				R4309	3.162	1.919	HD 3 (En-suite WC)
				R4311	2.271	3.583	HD 2 (En-suite WC)
				R4313	2.397	2.278	HD 1 (En-suite WC)

11 July 2013

BEDROOMS (CURRENT)		CURRENT	ASSISTED	COMMENTS
TWIN	SINGLE	BED SPACES	BATHROOMS	
0	0	0	0	1 new bed lift and 1 passenger lift
0	0	0	0	
		0		
7	0	14	2	1 no respite in R2103
0	0	0	0	
		14		
4	5	13	1	1 high dependency en-suite
1	5	7	0	R3313 is twin room
		20		
4	5	13	1	
			0	
	3	3		
	1			Not counted in 52 beds
	1			Not counted in 52 beds
	2	2		
		7		
		52	4	

455

**EQUALITY, SOCIAL SERVICES AND THE ELDERLY**

**Looked-after children  
Reports from schools**

460

**Clerk:** Question 525, 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 say what reports have been submitted from schools 'Looked After Children' attend on the following issues, broken down by number, whether first, middle or secondary school and per term for the academic year 2012-13 for: (a) habitual inappropriate uniform; (b) habitual lack of an adequate packed lunch; (c) habitual anti-social behaviour towards other children; and (d) habitual anti-social behaviour towards teachers?

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

470

**Minister for Equality, Social Services and the Elderly: (Hon. Miss S J Sacramento):** Mr Speaker, the following reports have been received from schools, reference LAC, on the following issues for the academic year 2012-2013: (a) none; (b) none; (c) none; (d) none.

475

**TRAFFIC, HOUSING AND TECHNICAL SERVICES**

**CPC courses for bus and lorry drivers  
Cost of qualified instructor**

480

**Clerk:** Question 526, the Hon. S M Figueras.

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**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic provide details to this House of the cost of securing the services of a qualified professional CPC instructor to carry out the relevant courses for bus and lorry drivers?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the cost of securing the services of a qualified professional CPC instructor to carry out the CPC periodic training courses for bus and lorry drivers in accordance with Directive 2003/59/EC is as follows: course 1, which ran in the week between 25th February and 1st March, a cost of £3,017.60; course 2, which ran between 15th April and 19th April 2013, was £3,281.05; course 3, which ran between 28th May and 1st June 2013, was £3,551.25; and the fourth course, which was run between 1st July and 5th July 2013, was at a cost of £2,623.00.

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The final course, which was the one I have just mentioned, course 4 – flights for July have still to be invoiced and it is not the final figure.

500

**Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for the answer.

Can he say at what stage, or how soon, it is anticipated that a local instructor will be qualified in order to be able to deliver these courses?

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**Hon. P J Balban:** Mr Speaker, at present I am not in a position to be able to say when this would happen, but it is the intention of the Government to obviously train someone locally to be able to run this course so that we do not have to forgo this cost.

**Hon. S M Figueras:** Mr Speaker, can the Minister say whether someone is already training locally for the post?

510

**Hon. P J Balban:** Mr Speaker, not at present.

I would like to raise awareness to the gentleman because this has had to be done in a rush, so to speak, because this was a Directive which commences on 9th September 2013 – in a couple of months' time – provision was not made when it was meant to have been made to ensure that persons could be trained for this date, because this course requires that CPC, there are actually five modules that need to be completed

515 within a given period of time. So we have had to cram these courses to ensure that our drivers locally can be up to date by the time the Directive comes into effect on 9th September 2013.

As the first course is carried out and underway and our drivers are qualified, then it will obviously be one course per year which they will undergo, as opposed to having to cram five, as has been the case, because of lack of prior preparation.

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**Hon. S M Figueras:** So is it then the Government's intention that by the time the one annual course is in place, post-September this year that there will be a locally qualified instructor to deliver these courses?

525

**Hon. P J Balban:** Mr Speaker, as I said earlier, we are still not in a position to know exactly when it is happening. It will entail having to train someone for as long a period as is necessary for that person to be up to date in all the issues relating to the course; so, as I say, I am not able to provide that information at the moment.

530

**Naval Grounds/former Royal Gibraltar Yacht Club site  
Availability of new parking facilities**

535

**Clerk:** Question 527, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic tell this House how long the Government expects the new parking facilities in and around the Naval Grounds, as well as in the area of the former site of the Royal Gibraltar Yacht Club, are planned to be available to the public?

540

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 528/2013.

545

**Naval Grounds/former Royal Gibraltar Yacht Club site  
Cost of additional parking facilities**

550

**Clerk:** Question 528.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic provide details to this House of the cost to Government of providing additional car parking facilities in the Naval Grounds area and the former site of the Royal Gibraltar Yacht Club and the surrounding area?

555

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the public continues to have access to parts of the area around the Naval Grounds and will continue to do so for the foreseeable future.

560

The area of the ex-Royal Gibraltar Yacht Club car park will be available for use as from today at 11.00 a.m. The works to convert this site into a car park have just been completed and therefore it is not possible to provide an exact contract sum, pending the agreement of the final accounts. The anticipated cost, however, is expected to be in the order of £500,000. This figure excludes the cost of works not directly related to constructing the car park, such as road realignments.

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No works are at present being undertaken in the Naval Grounds area to provide additional car parking facilities. These works are related to preparations for the annual fair.

570

**Hon. S M Figueras:** Mr Speaker, in relation to the Naval Grounds, I was referring to the laying of tarmac in the area where the NAAFI used to be – where the crossing originally used to be to Queensway from Reclamation Road – where parking has been provided, although I understand that parking is provided for residents of the former Regal House site. Is that correct?

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**Hon. P J Balban:** Mr Speaker, the area there is still being used; in fact, it is being used to decant vehicles, as the hon. Member has just rightly said. It is to do with the provision for parking in the area that used to be Engineer Lane before the car park was built.



580 **Hon. S M Figueras:** Mr Speaker, the Hon. Minister has told us that, as far as the areas of the Naval Grounds are concerned, the public will continue to have access to that area for the foreseeable future. I note that it is not definitive by any means of how long that will be, but he makes no mention of how long the new car park that is opening today at 11.00 a.m. will be available to the public as well. Is he able to shed any further light on those two matters?

585 **Hon. P J Balban:** The car park that is opening today will be open for as long as... I mean it is a permanent parking space for the time being. Again, plans may change in the future, but as things stand at the moment, it is a permanent parking.

590 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Minister for trying to assist, but the point I am alluding to is that in the manifesto, the Government committed to providing double the number of car parking spaces that there were at the now site of the Commonwealth Park that is currently being built.

The reason why I ask how long the new facility that has opened today at 11 o'clock – or will open today – is going to be available is in the grand scheme of the jigsaw puzzle that is talked about regularly in this House, that is Gibraltar, in terms of planning where you are going to locate various different things, I am trying to understand whether it is in the Government's contemplation that that is a temporary parking space in the context of any new developments in the area which are intended during the remainder of the life of this Parliament.

600 **Hon. P J Balban:** Mr Speaker, in the grand context of things that is a big plot of land and for as far as we are... at the moment it is indefinite. That could change in the future, in the bigger context of things, as the hon. Gentleman rightly says.

**Hon. D A Feetham:** So, in other words – may I, Mr Speaker? – it will remain a car park for as long as there is no offer in relation to that plot of land for development by somebody – for example, in the private sector – that is acceptable to the Government. That is one supplementary.

605 And two: is the Government actively looking to perhaps receive potential offers of investment in relation to that plot of land, which as the hon. Member has rightly pointed out is a flat premium piece of land virtually in the centre of town?

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the answer to both questions is yes.

610 The second question: it has been ongoing for a long time, since they were in Government, and there is still interest in the plot but nothing has materialised. So we wanted to do something with it (*Interjection*) and a car park is a good idea.

615 **Sustainable Traffic and Transport survey  
Report on findings and recommendations**

**Clerk:** Question 529, the Hon. S M Figueras.

620 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic now say when he expects to receive a report of the findings and recommendations of the Sustainable Traffic and Transport survey recently conducted in Gibraltar?

625 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the situation has not changed since the reply given in answer to Question 318/2013. The first draft of the Sustainable Traffic, Transport and Parking Plan is still expected to be completed in late 2013 for internal review. It is expected that the final version of the Plan will be ready during the first quarter of 2014.

630 **Mr Speaker:** Next question.

**Traffic, Transport and Parking Plan survey  
Expenses incurred**

635

**Clerk:** Question 530, the Hon. S M Figueras.

640

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic provide this House with a breakdown of all expenses totalling £35,000 incurred in respect of the Traffic, Transport and Parking Plan survey as set out in the Estimates book?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

645

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I now hand the hon. Member a breakdown of the expenditure incurred to date in respect of the Traffic, Transport and Parking Plan survey.

The hon. Member will note that the total expenditure to date is close to £24,000 – exactly £23,917.18. This represents costs incurred in respect of the household survey exercise, together with sundry costs in relation to the survey generally.

650

The original estimate of £35,000 actually provided for an element of staff overtime costs in relation to the survey; however, Mr Speaker, as it is considered more appropriate to account for overtime costs under the Department's provision for payroll costs rather than under other charges, all such overtime costs will be charged to a new overtime subhead, under head 32, Technical Services.

655

Overtime costs on the survey are now estimated to be around £25,000 and the overall estimated cost of the survey has therefore been revised to around £50,000.

Answer to Question 530

Financial Year 2013/2014

Head 32 Subhead 2(5) - Traffic, Transport & Parking Plan Survey

Expenditure to date including commitments

Household surveys	£17,810.00
Printing & Stationery	£4,493.33
IT equipment	£555.00
Personal Protective Equipment	£346.00
Traffic signs	£202.20
Communication equipment for survey supervisors	£141.00
Miscellaneous items	£369.65

TOTAL £23,917.18

660

**Hon. S M Figueras:** Mr Speaker, can the hon. Member say whether the total overtime cost of £25,000 that he has referred to in his answer a moment ago includes the time spent not just on the household surveys, but in respect of the survey that was conducted on Gibraltar's roads some months ago?

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**Hon. P J Balban:** Mr Speaker, the actual survey conducted started, if I recall correctly, at around seven o'clock in the morning and they finished around 7.30 in the evening; hence, overtime was incurred during the actual survey of roads, so it would include those as well.

670

**Mid Harbour Estate  
CCTV and garage barriers**

**Clerk:** Question 531, the Hon. E J Reyes.

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**Hon. E J Reyes:** Mr Speaker, further to Question 472/2013, can the Minister for Housing say by when Government hopes to have CCTV and garage barriers fully functional at Mid Harbours Estate?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

680 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, Her Majesty's Government of Gibraltar has issued a request for quotations for the supply and installation of a CCTV system at Mid Harbour Housing Estate. The closing date is 2nd August 2013.

685 With regard to the garage barriers, this is at design stage. Once the process has been completed, the Ministry for Housing will be in a position to provide further information on both these issues.

**Hon. E J Reyes:** Yes, Mr Speaker, obviously, because the Minister has provided me with a date by which he intends to, or he hopes to have the quotations for CCTV, then one can accept that nothing much can be said further until 2nd August. But the garage barriers are in the design stage and so on: does the Minister at least have some fairly flexible date by when the barriers should be functional at the Mid Harbours Estate?

690 **Hon. P J Balban:** Mr Speaker, the barriers will definitely not be functioning before a CCTV system is in operation. At the moment, it is impossible for me to provide the hon. Gentleman with even an estimate, and obviously this will happen as soon as possible.

695 **Hon. E J Reyes:** Mr Speaker, can the Minister enlighten me a bit further: why is it absolutely necessary to have CCTV before the barriers are functional?

700 I believe in other estates there are barriers without necessarily having a CCTV, and so perhaps there is some information there that could help not only myself but mainly the residents of Mid Harbours Estate to understand why it is necessary to have one in place before the other.

**Hon. P J Balban:** Mr Speaker, by ensuring that the CCTV cameras are there, it will be possible to actually monitor the use of the barriers. It is feared that if the barriers go up before the CCTV cameras are in operation there is a risk that there could be damage and so forth to barriers, which could be expensive. So once the surveillance is there and the barriers can be monitored, then the Government will proceed with installing the said barriers.

710 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister perhaps help me with this: this CCTV, or intended CCTV system, will this be connected to the CCTV system that is currently in place at various points in Gibraltar – that we commenced when we were in Government, and indeed it was finished by the Hon. the Minister for Justice when they were elected in 2011 – which is then connected to the control room at New Mole Police Station, or is this separate to that?

715 **Hon. P J Balban:** Mr Speaker, as the hon. Member mentions, it is actually the Minister for Justice who is leading on this project, but what I can say is that the cameras will be connected to the police control room at New Mole House.

720 **Hon. D A Feetham:** And if it is going to be connected to New Mole Police Station, will there be the need for any infrastructure works, because the way that this was done in 2011 and 2012, before you could set up CCTV cameras you had to lay the fibre optic cables to enable the CCTV cameras to then be linked to the New Mole Police Station. That may require some major infrastructural work that will then impact on the actual timing and the amount of time that it will take for CCTV cameras to be installed. Can the Hon. the Minister perhaps help me with that?

725 **Hon. P J Balban:** Mr Speaker, the extent of the Ministry for Housing's involvement in the CCTV cameras was because this estate is a Government estate. It is the liaison and the links between the tenants' association and the Royal Gibraltar Police and the Ministry for Justice; hence, perhaps I am not in the best position to be able to answer that question. Obviously, again I would not be able to answer a question which is best asked of the Minister for Justice.

730

#### **Reallocation of empty homes Expenditure incurred**

735

**Clerk:** Question 532, the Hon. E J Reyes.

740 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of expenditure incurred since the answer to Question 474/2013 in respect of contracts awarded for making empty homes suitable for reallocation; stating how many contractors were engaged, to whom payments were made, the

number of residential homes involved and indicating if the services contracted were for repairs or cleaning?

745 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

Mr Speaker, I will just mention that all services contracted were for repairs.

**ANSWER TO QUESTION 532**

Contractors	Apr-13	May-13	Jun-13	No. of Properties
501 Construction	Nil	Nil	£10,000.00	1
Abegon Fitters	Nil	£9,484.00	Nil	1
Andy Holding's	Nil	£5,500.00	£10,286.00	2
Bright Co Ltd	Nil	Nil	£30,000.00	1
Building Consultancy Services Ltd	Nil	£18,138.34	Nil	1
C.I.A.P Constructions Ltd	Nil	£13,721.00	£3,841.30	3
G & G General Construction Co Ltd	£2,100.00	Nil	Nil	1
E. Lopez & Sons Ltd	Nil	Nil	£19,408.91	1
Plumbrite	Nil	Nil	£5,500.00	1
Rutherford Construction Ltd	Nil	Nil	£9,250.00	1
S J Builders	Nil	Nil	£2,340.00	1
SA Construction Ltd	Nil	£4,460.00	£11,507.00	3
W&N Works Ltd	Nil	Nil	£7,500.00	1

750

**ALL SERVICES CONTRACTED WERE FOR REPAIRS**

**18 properties in total**

**Hon. E J Reyes:** Yes, Mr Speaker, last month after the Questions session, I had a word with the Minister so that we could clarify some things, since I tend to repeat this Question if not every month, then every other month.

755

On the schedule, Mr Speaker, the information provided lists the contractors, broken down by dates and the number of properties. Those number of properties... Am I right in assuming that the number of properties to which each contractor was engaged... but what is the overall total number of properties, because if we take, for example, the first two or the first three listed there, one property each, are they all referring to the same property or are they different properties?

760

So what I am missing is the grand total number of properties that is referred to fixing – you know, two homes, three homes or 20 homes. How many properties, as such, were overall repaired?

765

**Hon. P J Balban:** Mr Speaker, I cannot say whether they were for more than one property, or not. I would not like to hazard a guess and say that 501... that the property... that both contractors were working on the same property. As I say, I would not like to assume. I can try to revert with that information later on, if the hon. Member wishes.

770

**Hon. E J Reyes:** Yes, please, Mr Speaker, I would be grateful. The information contained here is useful, but I am still missing – and this is why we discussed it a little bit further the last time... Overall, is it just referring to one property, or could it be 10 properties or whatever? I am interested in that grand total number of how many properties were, as such, involved.

775

**Hon. D A Feetham:** Yes, Mr Speaker.

The Question actually asks the number of residential homes involved, so we are quite prepared to accept the information later on this afternoon, but if the Hon. Minister were kind enough to go back to his officials and provide us with that information, we would be grateful.

**Hon. P J Balban:** Mr Speaker, I would be pleased to do that.

780

**Assigned rental homes  
Repairs**

**Clerk:** Question 533, the Hon. E J Reyes.

785

**Hon. E J Reyes:** Can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question 476/2013, indicating how many will be repaired by (a) the Housing Works Agency; (b) subcontractors; and (c) the assigned tenants themselves?

790

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question 476/2013, 12 flats have been assigned.

The repairs are to be undertaken by the following: the Housing Works Agency, three; subcontractors, six; and the assigned tenants themselves, three.

795

**Old Police Barracks site  
Tender for redevelopment**

800

**Clerk:** Question 537, the Hon. S M Figueras.

805

**Hon. S M Figueras:** Mr Speaker, can the Hon. Deputy Chief Minister say whether, further to Question 411/2013, there has been any progress with the tender for the redevelopment of the Old Police Barracks site, and provide this House with details?

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

810

**Deputy Chief Minister (Hon. Dr. J J Garcia):** Yes, Mr Speaker, the Government continues in discussions with a preferred bidder. A preliminary survey is being carried out.

**Hon. S M Figueras:** Mr Speaker, is the Hon. Deputy Chief Minister at liberty to discuss the nature, even in very general terms, of what is anticipated for the site?

815

**Hon. Deputy Chief Minister:** Mr Speaker, what they are doing at the moment is a structural survey. This is expected to take a couple of weeks so once they have the results of the survey they will be in a position to know what can be done on the site, but it will be housing. The intention is for housing.

820

**Gibraltar airspace incursion  
Details**

825

**Clerk:** Question 538, the Hon D J Bossino.

**Hon. D J Bossino:** Can the Deputy Chief Minister explain why there is a contradictory version of events between the MOD and HMGOG in relation to the incursion of Gibraltar airspace by Spanish Air Force aircraft as alleged by the Government?

830

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

**Deputy Chief Minister (Hon. Dr. J J Garcia):** Yes, Mr Speaker, the Government version of events was based on at least two eyewitness accounts which observed the Spanish aircraft flying over Gibraltar.

We cannot answer for the MOD in this House.

835

**Hon. D J Bossino:** Mr Speaker, the Hon. the Deputy Chief Minister can rest assured that, certainly on this side of the House, we take a very serious view of any incursion of our airspace, particularly because it raises issues of sovereignty; but in this case it seemed potentially to also raise issues of aircraft safety. I think there was a BA flight which was stopped from taking off for about 12 to 18 minutes and was left on the Gibraltar Airport tarmac but this incursion, is of course, particularly acute because it was perpetrated by Spanish military assets.

840

Now there is a concern on this side of the House that there should be such a divergent account of events between what the Gibraltar Government has said in a press statement and what the MOD has said in their press statement.

845 The Gibraltar Government came out with its press release – not on the day of the incursion; I think it was the day after the incursion – where it said that four Matador aircraft of the Spanish Air Force entered Gibraltar’s airspace from the north-west. And indeed in a quote, which is referred to in the *Gibraltar Chronicle*, a spokesman from No. 6 is quoted as stating:

850 ‘The Government of Gibraltar has called on the UK to take up the matter of this military incursion into the airspace of Gibraltar at the highest diplomatic and military levels.’

The concern on this side of the House is that the MOD, on the other hand... and I appreciate that the Hon. the Chief Minister cannot answer as to why the MOD has come up with a *completely* different analysis of events, where it says very clearly that there is no evidence to suggest that the aircraft flew into Gibraltar airspace.

855 I ask the Hon. the Deputy Chief Minister whether he has made any enquiries as to why there is this divergence of a report in respect of a matter which is indeed very, very serious.

860 **Hon. Deputy Chief Minister:** Mr Speaker, yes, the Government takes a very serious view of this incident and we welcome the support of the hon. Members in that respect; but this is not the first time this has happened, as there have been incidents with Spanish assets – helicopters and aircraft – over a number of years.

865 I can tell the hon. Member there are sensitive and serious issues relating to the definition of airspace in the case of Gibraltar that I would rather not expand upon across the floor of this House, and perhaps I will be perfectly happy to brief him in private on the matter. But I think once he receives that explanation he will understand the differences of opinion that are expressed in the two statements.

870 **Hon. D A Feetham:** Mr Speaker, certainly on this side of the House we will accept the offer of being briefed in relation to this.

We are curious as to why there are two divergent views of the matter. We will not pursue it. I understand that my Hon. and Learned Friend, Mr Bossino, has further supplementary questions, but they do not impact on this.

875 **Hon. Deputy Chief Minister:** Mr Speaker, I am grateful to the hon. Member. I must say also that we have taken up the matter with the United Kingdom and we are awaiting a response in that respect.

880 **Hon. D J Bossino:** Yes, Mr Speaker, in fact my supplementary question is indeed whether... The press reports are that the Government has made – in fact, I have just read the quote – very stern representations based on the Gibraltar Government’s view of events. Indeed, one would have thought that the Government would not have made such a protest in those terms if we accepted the MOD version of events, but my supplementary question was going to be whether the Government has received any response to the protest which it has delivered to Her Majesty’s Government?

885 **Hon. Deputy Chief Minister:** I have already answered that by saying that we are waiting for a response. The issue was discussed at the time and we are waiting for a full response.

890 But I think it is not a subject I would rather expand upon further, if the hon. Member would bear with me. I think we can certainly have a discussion in private which will throw some light on the inconsistencies which he has been highlighting.

**Hon. D J Bossino:** Mr Speaker, I look forward to that discussion.

895 **Mr Speaker:** We will now recess to this afternoon at 3.00 p.m., when we will be dealing with Questions to the Chief Minister.

The House will now recess to 3.00 p.m.

*The House adjourned at 10.45 a.m. and resumed its sitting at 3.00 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.30 p.m.

Gibraltar, Thursday, 18th July 2013

## The Gibraltar Parliament

5

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

10

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

## Questions for Oral Answer

15

### CHIEF MINISTER

#### Drafting of press releases Procedure

20

**Clerk:** Answers to questions continue.  
Question 539, the Hon. D A Feetham.

25

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether any Government Minister wrote into, insisted on writing into, or howsoever suggested to employees of Gibelec that they should write into the press release issued by Gibelec on the day of the by-election criticisms of the previous GSD administration?

30

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this Question together with Questions 540 and 541.

35

**Clerk:** Question 540.

40 **Hon. D A Feetham:** Mr Speaker, were any Government Ministers present at any meetings or conference call held to discuss the issuing of a press release by Gibelec in relation to the power cut that occurred on the day of the by-election; and, if so, please identify the meeting or call and state who was present on the Government side and Gibelec side?

**Clerk:** Question 541.

45 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether any Government Minister asked the Financial Secretary to draft a press release on behalf of the Gibraltar Savings Bank on the day of the by-election, or suggested that he should do so?

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

50 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the procedure for the drafting of press releases remains exactly the same as with the previous administration.

55 **Hon. D A Feetham:** Well, with respect to the Hon. the Chief Minister, he obviously has not answered my Question. I am not going to push him if he is going to insist on ducking it.

But again I repeat: has the Government, either directly or indirectly, had a hand in the criticisms that were inserted in the Gibelec press release about the previous GSD administration? Did they, either directly or indirectly, have a hand in instigating the press release that they have said was drafted by the Financial Secretary issued on behalf of the Gibraltar Savings Bank?

60 **Hon. Chief Minister:** Mr Speaker, nobody is ducking anything. The Government was directly involved in the drafting of those Government press releases.

65 **Hon. D A Feetham:** Well, Mr Speaker, I do not understand how they can be Government press releases. These are press releases issued by Gibelec and they are press releases issued by the Gibraltar Savings Bank. Can he clarify that inconsistency?

70 **Hon. Chief Minister:** Mr Speaker, I can give him, in relation to Gibelec – and, in fact, that is what I was referring to – the following indication, which I would have thought would have been transparent and obvious even to him: the Gibraltar Electricity Authority is exactly the same as the Gibraltar Health Authority when it comes to issuing press releases. The Gibraltar Health Authority is chaired by a Minister and the Gibraltar Electricity Authority is chaired by a Minister, and in the time when they were in administration, you would not get a Gibraltar Health Authority press release that did anything other than criticise the Opposition.

75 **Hon. D A Feetham:** Mr Speaker, so that I can get the position right, effectively what the Hon. the Chief Minister is saying is that this politically motivated press release was effectively drafted by the Government.

80 **Hon. Chief Minister:** Mr Speaker, what the Government is saying is that it is not going to debate in this Chamber with the Members opposite how we draft Government press releases, because if we start the process of doing that and we issue as many press releases as we do – something which the hon. Members do not seem to like – we are going to spend the next Question Time going through the list of press releases issued in the period between this Question Time and the next one going through how we drafted each of them.

85 But it should not surprise him that Government press releases are drafted with the involvement of the Government and that they are partisan, as they were in the 16 years when the Party that he now leads was in administration, although of course I realise that it was not always his party and that he spent a lot of that time opposing it.

90 **Hon. D A Feetham:** Mr Speaker, does he not accept that there are serious good governance issues in the concept of the blurring of the lines of Government and a public authority such as Gibelec and also the Government and the issue of a press release drafted by a public servant – the most senior Treasury official, civil servant in the Treasury – on behalf of the Gibraltar Savings Bank? Does he not accept that?

95 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman does not know what he is talking about when he talks about good government. Good government is about not spending £150,000 –

**Hon. D A Feetham:** Governance.



100 **Hon. Chief Minister:** Good government and good governance is about not spending £150,000 of taxpayers' money as the only advertiser in a newspaper that promotes a Party line. That, Mr Speaker, is what demonstrates the absence... that is just the tip of the iceberg that demonstrates the absence of good government in the time the hon. Members opposite were in government.

105 There is absolutely nothing wrong, Mr Speaker, with a statutory body like the GHA or the Gibraltar Electricity Authority issuing press releases that put the position of the Government of the day. If there were, Mr Speaker, if there were, the hon. Member has to explain to this House how he deals with 16 years of GHA press releases, GHA press releases... an independent statutory body called the Gibraltar Health Authority, which is as independent and as statutory as the Gibraltar Electricity Authority, that spent all of the time that I have been observing politics, since 1996, and perhaps even before 1996, issuing partisan press releases.

110 Look Mr Speaker, what he cannot do is reinvent the wheel just because he does not like the way that it turns when it turns against him.

115 **Hon. D A Feetham:** Well Mr Speaker, I do not accept for a moment that the previous GSD administration used the GHA in order to cause the GHA to issue party political or partisan press releases on behalf of the previous administration. That is not accepted. But Mr Speaker...

**A Member:** Oh, come on!

120 **Hon. D A Feetham:** Well, it isn't. (*Interjection*)  
Mr Speaker, is the Hon. the Chief Minister's position and is the Government's position (*Interjection*) that it is right, that it is right, to cause a situation and instigate a situation where a public utility and a public authority that is effectively independent of Government should be drawn into the political arena, particularly, on the day of a by-election, criticising and making criticism of the previous administration? Does he believe that that is right?

125 **Hon. Chief Minister:** Mr Speaker, the common saying that the truth hurts has never demonstrated itself as much as it is demonstrating itself here today.

130 The fact is that Gibraltar is suffering power cuts since we brought in the turbines, not because there is an absence of generating capacity, but because of the huge underinvestment in the past 16 years in something as unglamorous as the electricity grid; something which, when you invest in it, is not something you can take a picture of yourself standing next to which looks good when you issue the press release. The hon. Members do not seem to like that.

135 They talk about this independent statutory body that deals with utilities. Well, what about the independent statutory body that deals with Health: can there be something less partisan than health? Should we not be making sure that, whoever you are, you get the best healthcare regardless of your partisan affiliation, and is that not therefore the sort of independent statutory body that should have been absent any partisan affiliation?

140 And yet, Mr Speaker, as I have told him repeatedly, and he says he now does not accept – and I ask him to reconsider that because he *might* be treading upon the toes of misleading the House – that the GHA (*laughter*) that the GHA has been issuing press releases, and I am saying for the past 16 years and conceding that perhaps even before then, because I cannot remember whether before 1996 the way that the press releases on health were dealt with required the GHA to issue press releases or the Department of Health. I think it was still the GHA, which I think started in 1988, Mr Speaker.

145 That is the way that these things are handled. These are Authorities chaired by Ministers. He seems to be surprised; of course, he is not, Mr Speaker. He is not surprised. He does not want information. He does not want an opinion, Mr Speaker. All he wants is a headline. Well, Mr Speaker, he can have it. He can have his headline: it is absolutely *right* that for the past 16 years there has been such underinvestment in electricity that our community is suffering today because of the GSD's failures in the past 16 years.

150 If they do not like it, then they should have invested in it. They did not and that is why the business community and everybody in Gibraltar today suffers from these power cuts. They did not like to read it on the day of the by-election, they do not like to hear it today, I am sure, but that is the context in which they have to realise that they left Gibraltar.

155 **Hon. D A Feetham:** Well Mr Speaker, I did actually consult the hon. the backbencher on the GHA press release that they issued a few weeks ago when it was issued, and his view was that during the time that he was Chief Minister the press releases of that nature were not issued by the GHA; hence, my comment.

But, Mr Speaker, does the Chief Minister not accept also – just perhaps changing the focus of this –

160 that there is a convention that has been long held, not only here in Gibraltar but also in the United Kingdom, that there ought to be no campaigning during the day of a General Election, or indeed of a By-election?

165 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman, I am sorry to say... I am *genuinely* sorry to say, because I think it is bad for our community and it is bad for debate... One does not enjoy debating with the level of lack of information and lack of knowledge that the hon. Gentleman is displaying. He does not know what he is talking about.

170 He has just said that he consulted the hon. the backbencher – who I understand is sunning himself in better climes today, rather than being here discharging his obligations to be in Parliament – and that in the time that they were in office the GHA had not issued such press releases.

175 Well, look, the Hon. Mr Costa, who obviously remembers these things, and the Hon. the Deputy Chief Minister – Mr Costa in particular because he still bears the scars of the number of press releases issued by the GHA against him... I just point out, for example, press release 270/2010. I point out to the hon. Gentleman, Mr Speaker, that the reference 270/2010 is following the numbering of Government press releases. It is not as if the GHA issued 270 press releases in 2010. Government press release 270/2010 is a direct attack – one of the many direct attacks by the GHA on the Hon. Mr Costa. So the idea that he cannot, and the hon. the backbencher cannot recall this happening in their time, really, Mr Speaker, beggars belief. If there is a lever arch big enough, I am quite happy to let him have one or more files full of the attacks of the GHA on all of us, because I was also the subject of many of those attacks.

180 Is there a convention, Mr Speaker, that one does not campaign on election day? Absolutely, there is Mr Speaker, and absolutely, we recognise that on this side of the House.

Was there campaigning on election day, Mr Speaker? I do not believe there was. The hon. Gentleman cannot point to one press release of the Gibraltar Socialist Labour Party, which was the Party that supported Mr Isola, who happily is now with us in this House, on the day of the election.

185 Mr Speaker, what the hon. Gentleman has to realise is that there is a big difference between a by-election and a General Election. On the day of a by-election there is still a Government governing and there is still an Opposition opposing.

190 In the United Kingdom, what he would find – if he bothered to research and scratch below the surface, that seems to him so useful and yet if he were to research the points further he would realise it aids him not at all – is on the days of by-elections in the United Kingdom, the government is still governing, issuing press releases about what it needs to be issuing press releases about, and the Opposition is still opposing with press releases on the issues that it has to oppose.

195 If he thinks, Mr Speaker, that a four-hour power cut is not something that the Government should be commenting on, on the day of a by-election, when the Government is supposed to be governing, then it is a good thing, Mr Speaker, that he went house to house to at least 6,000 homes during the course of this by-election, because I think it worked: the more people that met him, the less people that voted for them. *(Laughter)*

200 **Hon. D A Feetham:** But Mr Speaker, the only person who does not do his research is the hon. Gentleman. If he did more research he would probably have got into far less problems and trouble than he has got into during the course of his political career. He and I know what I am talking about.

**Hon. Chief Minister:** No, I do not.

205 **Hon. D A Feetham:** Mr Speaker, if he accepts that there is a convention, as clearly he accepts that there is, does he not accept a huge distinction between issuing a press release – be it the Government itself or the Government causing a public utility to issue a press release – saying, ‘Well, there is this power cut and the reason for this power cut is that there is a fault in the grid’, for example, and going further than that and actually saying, on the day of a by-election, not only is that the position but the fault of that lies with the previous administration? Doesn’t he accept that that is campaigning and that that is improper, and that that should not have happened on the day of the by-election?

210 Quite frankly, if he does not, then *his* view of political ethics is completely different to *my* view of political ethics, and he is making a habit, Mr Speaker, of hiding behind not only public utilities but also senior civil servants, as we have seen in relation to the famous now – or infamous – Financial Secretary’s memo, and also the Principal Auditor’s Report, which quite shamefully the hon. Member used selective parts of it, which were then made public the day before the by-election.

**Mr Speaker:** I do not want the limits of these exchanges to be widened unnecessarily.

220 **Hon. Chief Minister:** I am grateful, Mr Speaker, but I will at least be allowed, I am sure, to reply to what the hon. Gentleman has said, because frankly, Mr Speaker, he just does not have a clue and there is nothing more dangerous than having to deal with somebody who does not understand.

Mr Speaker, he talks about ethics and he talks about the difference between the Government and the public utility issuing these press releases, and don't I understand the issue about them being able to campaign on the day and not being able to campaign on the day. He is talking, Mr Speaker – and I am sorry to say it, because this is not my style, but I am driven to it by him: he is talking *nonsense*, Mr Speaker. This is political drivel. This is the equivalent of Mr Figueras saying that we will be the first one-term Government in the history of Gibraltar. He does not know what he is talking about, and I am sure that there are people on the benches next to him – who are aping his expressions at the moment because they have to, because he is the leader – who realise the nonsense that he is talking.

230 There is a difference between Government and Opposition, and Governing party and Opposition party. The party and the state, the party and the Government are two different things, and the party and the Opposition are two different things. The parties are the ones that do not campaign on the day of an election, or a by-election; but in the context of a by-election the Government has to continue governing, and if in the context of governing the Government says something which is partisan, that is not breaking a convention.

235 Either, Mr Speaker, he is much cleverer than he lets on by everything that he says, but he realises that the truth and reality and the context in which we are really talking gets him nowhere and he wants to pretend that he does not understand; or he really does not understand it.

240 Mr Speaker, what the hon. Gentleman needs to understand when he attacks my political ethics is that I am not the Chief Minister who gave £150,000 to a partisan publication. What the hon. Gentleman needs to understand is that when he attacks other people's political ethics, *his* political ethics must also be put under the microscope. *This is Question Time*. He is here to get information. I have told him I am not going to share with him how we draft press releases. He just wants to attack and attack and attack, as usual, in order to grab a headline, Mr Speaker; but the reality is that he cannot grapple with the problem because there is not a problem.

On the day of this by-election there was a huge power cut and therefore the Government body that deals with that matter issued a press release. That is not campaigning, even if it is partisan. It was not the GSLP that issued the press release, it was not the Liberal Party, it was not even the GSLP and Liberal Party, and the GSD did not issue press releases on that day because there is a convention and the parties do not campaign on that day.

250 Mr Speaker, is he saying that the Government should *not* have issued a press release with any partisan character on that day?

255 And then, Mr Speaker, he takes it a step further by going into issues which relate to the Principal Auditor and his reports. Mr Speaker, in relation to those reports I am going to say nothing, because in the Government's view they speak for themselves and they say a lot about the political ethics of others.

**Hon. D A Feetham:** Mr Speaker, so effectively what the Hon. the Chief Minister is saying is this... Just so that I understand it, because of course he says that I am dim – maybe I need a little bit more time to understand exactly what he is saying.

260 What he is saying is this: that if the GSLP had issued a press release on the day of the by-election saying the failure at Orange Bastion was as a result of lack of investment during the past 16 years under the last administration, (*Interjection*) that would have been partisan and that would have been wrong because that would have been in breach of the convention; but then, indeed, if he had done it from GSLP headquarters in Watergardens that would have been wrong, on GSLP headed paper.

265 But of course he then drives in his G1 from Watergardens all the way to No. 6 Convent Place and he issues the press release, either on Government headed paper, or alternatively he calls in the poor chaps from Gibelec and he says to them, 'I want you to issue this press release on the day of the by-election,' and that is completely and entirely proper and that it breaches no convention.

270 Well, I am sorry, Mr Speaker – and I would ask him to confirm that that is effectively his interpretation – I am sorry Mr Speaker, but if that is the Jesuitical way in which he is effectively looking at questions of basic ethics and conventions, there is a *huge huge* divide and gap in the way we look at these matters and proper ethical behaviour by political parties, Governments and Oppositions, at the time of a General Election or a by-election and the way that the hon. Gentleman opposite looks at the matter.

275 **Mr Speaker:** I think I should warn the Hon. the Leader of the Opposition and the Chief Minister that they are both now entering debating territory in which the quality of political exchanges decreases in inverse proportion to the extent in which personalised issues come in.

**Hon. Chief Minister:** Mr Speaker, you are, of course, absolutely right.

280 I am going to simply limit myself to answering the point made by the hon. Gentleman in this way: there is a huge difference – he is absolutely right, Mr Speaker – between the ethics of the people who sit there and the ethics of the people who sit here as to the way in which we will handle elections.

285 *They they*, Mr Speaker, the seven who sit over there, some of them do not even bother to turn up. *They* fought the last General Election on a manifesto partly paid for by taxpayers' money. *They* did that. We will *never* do that, Mr Speaker. We know what the rules are.

290 Mr Speaker, the hon. Gentleman's problem is this: he knows – and I do not like to blow my own trumpet a lot – that I am the most successful Leader of the Opposition in history. I went from that seat to this seat sooner than anybody else. And he knows, Mr Speaker, that he is the *least* successful in history, because he broke records on 4th July: he was the Leader of the Opposition to have moved from taking the leadership of his party and leadership of the Opposition to losing an election in the shortest period in the history of Gibraltar. That is his record, that is what his ethics produce, and that is why we will never fight an election on a manifesto paid for by the taxpayer, as they *disgracefully* did last time round.

295

**GSD administration ministerial papers  
Access by Chief Minister and Deputy Chief Minister**

300 **Clerk:** Question 542, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide details of each and every occasion in which he or the Deputy Chief Minister has had access or been briefed about ministerial papers of the previous GSD administration, identifying the subject matter of those documents and the person who provided him with access or briefed him?

305

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no, sir.

310 **Hon. D A Feetham:** Mr Speaker, the answer no: is he declining to provide details? Is that the answer?

**Hon. Chief Minister:** Mr Speaker, I would have thought it was quite clear. I learnt what 'no' meant when I was about one. I think it was probably accompanied by a slap. I am not going to provide the details, Mr Speaker.

315

Would he like to know why? Is that what he is asking?

**GSD administration ministerial papers  
Dr Giraldi inquiry**

320

**Clerk:** Question 543, the Hon. D A Feetham.

325 **Hon. D A Feetham:** Mr Speaker, has the Chief Secretary or any other civil servant been told or had it suggested to them by any Government Minister that they should examine the ministerial papers or documents of any former GSD Government Minister with a view to their relevance to the Dr Giraldi inquiry?

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

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, no, sir.

335 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Chief Minister then confirm – because there have been Members on this side of the House who have received letters from the Chief Secretary that ministerial documents and papers have been sent to the inquiry – that that has been done pursuant to an order by the inquiry, or a request from the inquiry that they should do so, without any ministerial involvement at all?

340 **Hon. Chief Minister:** Mr Speaker, I cannot confirm that because I have not been involved in it, but I understand it is at the request of the inquiry. I cannot confirm whether it is a request, whether it is an order or whether there is some provision of the Evidence Act that is being relied upon in order for the

inquiry to obtain this information, but I can certainly confirm that it is not as the Hon. the Leader of the Opposition has asked.

345 I would refer him, Mr Speaker, to the fact that the syntax of his Question is entirely wrong. I think he should have asked whether the *Government* can confirm that the Chief Secretary or any other civil servant... He has actually asked whether the Chief Secretary or any other civil servant has by the Government. I think the syntax of that sentence is wrong, but it does not affect the answer that I have given.

350 **Hon. D A Feetham:** Mr Speaker, does he know at all what the process has been – how these documents have actually been collated by the Chief Secretary or the composition of any team for the collation of documents; whether there has been communication; whether it has just been ministerial documents or it has been further than that – for example, whether e-mails have also been looked at of former Government Ministers? Does he know that at all? If he does not, I will write to the Chief Secretary myself directly – but does he know?

360 **Hon. Chief Minister:** Mr Speaker, the only way that I can tell him that I know something is because I am sometimes told when I call the Chief Secretary, ‘He is not here. He is out with Frank dealing with something to do with the inquiry.’ That reference to Frank is, of course, Mr Carreras who works with the Chief Secretary on these matters.

I am not involved in this at all and therefore I do not have the information. It is an independent inquiry and we are allowing it to be an independent inquiry.

365

**Question 532/2013  
Correction to schedule**

370 **Mr Speaker:** I understand the Hon. the Minister for Traffic wishes to provide some information.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Thank you, Mr Speaker. With reference to Question 532, which was the Question posed by the hon. Gentleman opposite, if we look at the charts which I handed over by way of a schedule, if you look at the number of properties on the righthand column, the third row, which says, ‘Andy Holding’s, No. of Properties 1’, it should read ‘2’. So there was a mistake which was highlighted earlier on that one.

375 If we add the number of properties down that righthand column, we come to 18 in total. Each of these refers to a specific property. So, if we look at 501 Construction, the value of June 2013, that is one property. If we look at Andy Holding’s, there was one in May and one in June, making up two. So they refer to specific properties. So, in answer to the number of residential homes, which was part of the question, there are 18 in total.

380 **Hon E J Reyes:** Thank you for that clarification, Mr Speaker. I think I follow the logic, but can I just double check the penultimate one? SA Construction Ltd dealt with three properties and the payments are spread out over two months. That he can still confirm that that still refers to three properties, even though the payments cover a two-month period?

390 **Hon. P J Balban:** Mr Speaker, that is right. In fact, SA Construction Ltd was involved in the refurbishment of one property in May and two properties in June, making up a total of three properties.

**ADJOURNMENT**

395 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn until Thursday, 25th July at 9.30 a.m.

400 **Mr Speaker:** I will now put the question, which is that this House should now adjourn to Thursday, 25th July at 9.30 a.m. Those in favour? (**Members:** Aye.) Those against? Passed. The House will now adjourn to Thursday, 25th July at nine-thirty in the morning.

*The House adjourned at 3.30 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.30 a.m. – 12.25 p.m.

Gibraltar, Thursday, 25th July 2013

## The Gibraltar Parliament

5

*The Parliament met at 9.30 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

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

## Questions for Oral Answer

**Clerk:** Sitting of Parliament, Thursday, 25th July 2013, answers to Oral Questions continue.

10

### SPORTS, CULTURE, HERITAGE AND YOUTH

#### Gibraltar Rugby Football Union Provision of renewed facilities

15

**Clerk:** Question 519/2013, the Hon. E J Reyes.

20

**Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure state if he has, since the answer to Question 229/2013, held discussions with the Gibraltar Rugby Football Union in respect of providing renewed facilities for the playing, teaching and development of the sport; and, if so, provide details of any agreements reached?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

25 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no further meetings have taken place since the answer to Question 229/2013.

30 **Hon. E J Reyes:** Mr Speaker, does the Minister have any intention to meet up with the rugby fraternity soon, given that we received the bad news that they seem to have suffered some set back in their recent application? It may be of interest to the sporting community in Gibraltar as a whole, because we rightly believe, and I am sure his side of the House also believes that we are entitled to be members of the international governing body, and I think that this House would wholeheartedly and unanimously like to support their application.

35 **Hon. S E Linares:** Yes, Mr Speaker, of course we support their application and we are saddened at the fact that they did not obtain their goal as in becoming members of the European Federation.

40 As to meeting them, I meet them regularly. Question 229 was only a month ago and therefore these occurrences have happened during that month. During the month of August at the earliest will be when I start meeting all the associations, including the rugby.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may be of assistance to the House?

45 The hon. Gentleman may be interested to know that, in the Hon. Minister's absence at the Island Games, in the aftermath of the decision – the unfortunate decision, to put it no higher than that – of the international body in respect of rugby, I met the representatives of rugby and have understood from them what the issues are.

He should rest assured that rugby has been given exactly the same support that football has and that all other local associations have, although he and I know that it is better for us to discuss the extent of that behind the Speaker's Chair.

50

#### **Gibraltar Cricket Association Provision of renewed facilities**

55 **Clerk:** Question 520, the Hon. E J Reyes.

60 **Hon. E J Reyes:** Can the Minister for Sports and Leisure state if he has, since the answer to Question 231/2013, held discussions with the Gibraltar Cricket Association in respect of providing renewed facilities for the playing, teaching and development of the sport; and, if so, provide details of any agreements reached?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

65 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, consultation with the Gibraltar Cricket Association is ongoing and a further meeting – and this, obviously, has been prepared a while back – was scheduled on 24th July, which was yesterday.

70 I am happy to say that, from yesterday's meeting, we did discuss... and it was actually on site at the Garrison Gym, where we are exploring ways in which the Cricket Association can use those facilities for children and can use it for indoor cricket.

#### **Gibraltar Sports and Leisure Authority Advertisement of vacancy**

75

**Clerk:** Question 521, the Hon. E J Reyes.

80 **Hon. E J Reyes:** Further to the answer to Question 443/2013, can the Minister for Sports and Leisure say when the vacancy within the Gibraltar Sports and Leisure Authority will be advertised to the general public?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

85 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the position remains the same as in my answer to Question 443/2013.

90 **Hon. E J Reyes:** Mr Speaker, can the Minister then confirm from there that, at some stage... I think last time he said that the post was ongoing and that the Chief Executive had to prepare things for him and so on. Can he confirm that relatively soon – and I do not know if he can tie himself down to saying how soon ‘soon’ would be – that the vacancy will be advertised to the general public, like I say in my Question?

95 **Hon. S E Linares:** Mr Speaker, if by ‘to the general public’ he means advertised for everybody, that might not happen; but advertised it will, in the forums or internally, or wherever the Government feels fit that it should be advertised.

100 **Hon. E J Reyes:** Is there a particular reason, Mr Speaker, why a vacancy within a Government-owned Authority is not open to the general public so that the best applicants may be considered by the selection board and therefore we get the best candidate for the position?

**Hon. S E Linares:** If the hon. Member is insinuating that there are not good candidates within the Government, he should clearly say so.

105 The Government policy is that we advertise vacancies internally to Agencies and Authorities first, before going out to the public.

110 **Hon. E J Reyes:** For clarification, Mr Speaker, no, I have not insinuated that there are not worthwhile candidates within the Agency. What I was stressing was that the best suitable candidate from what is available in the labour market in Gibraltar, I think, should have a fair and equal chance of applying for the post, and the beneficiary would be the community at large, because therefore the best candidate is the one who gets the job.

**Hon. D A Feetham:** Hear, hear.

115 **Hon. S E Linares:** Mr Speaker, the position remains the same.

120 **John Mackintosh Hall**  
**Advertisement of caretaker position**

**Clerk:** Question 522, the Hon. E J Reyes.

125 **Hon. E J Reyes:** Mr Speaker, first of all, I take the opportunity to thank you and the staff at Parliament for guiding me last week when I noticed that there was a human typing error on my part. Therefore, with your assistance – and I think the Minister was given due notice – the Question now has the correct word and therefore it makes sense.

130 The Question stands now saying further to the answer to Question No. W61/2013 – because it was a Written Question, the first one – can the Minister for Culture and Heritage say when his Ministry intends to advertise the position of caretaker at John Mackintosh Hall, which became vacant due to the retirement of the previous holder?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

135 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker.

Just to add on, I was a bit perplexed when the Question came with the word ‘why’ rather than ‘when’, and I was trying to grapple as to how I would answer that Question. But yes, obviously it now makes sense as to ‘when’.

140 The answer, Mr Speaker, is that the Ministry for Culture and Heritage has no intention of advertising this post.

**Hon. E J Reyes:** Mr Speaker, can I have some clarification why he does not intend to advertise the post, given that in the Estimates that we approved very recently, here in the establishment section it does cater for that particular post?

145 **Hon. S E Linares:** Mr Speaker, if he looks at the establishment of this post that we are talking about, it is not under the Ministry; it is under the Agency. Therefore, it is the Agency which intends to put out the post.



150 So if the question is is the Ministry going to bring out the post, the Ministry has no intention of bringing out the post. I would say that the post is coming out, but it is not coming out through the Ministry.

**Hon. E J Reyes:** Thank you for that clarification, Mr Speaker.

155 Sorry, I used my words 'his Ministry' because I thought his Ministry was also responsible for the Agency. I shall bear that in mind in the future and perhaps word it to put down either 'the Ministry' or 'the Agency'.

But therefore, it remains that the post is going to be advertised. Any indication of when he expects this to be done?

160 **Hon. S E Linares:** Mr Speaker, I understand that the officers within the Culture Agency are preparing themselves to advertise the post, but I am not quite sure as to when. I hope that with the word 'soon' whether... and I am trying for it to be soon, as in sooner rather than later.

165 **Parson's Lodge and Moorish Castle  
Details of works undertaken**

**Clerk:** Question 523, the Hon. E J Reyes.

170 **Hon. E J Reyes:** Can the Minister for Heritage provide full details of all the works undertaken so far in the financial year 2013-14 at both Parson's Lodge and Moorish Castle, inclusive of information pertaining to costs and the constructors who carried out any of the works?

175 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, works carried out so far during this financial year of 2013-14 at Parson's Lodge are as follows.

Contractor, SFA; total amount, £13,575.52.

180 Works... There is a whole list here, Mr Speaker, and I could either read it for *Hansard* or just pass it on to the hon. Member. It is up to... Shall I read it? Yes, okay. To scrape loose flaking paint from interior kitchen walls; repaint kitchen with high-quality paint to eliminate dampness with water ingress; to remove and dispose of existing kitchen; to clad all kitchen walls with panels; build new kitchen cupboards; tiling of all kitchen walls and floor; plumbing, painting and electrics; minor repairs to wood windows. That is the extent of what SFA did.

185 In relation to the Moorish Castle, no further works have been carried out at Moorish Castle.

190 **ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY**

**Employment Survey Report 2012  
Future Job Strategy trainees**

195 **Clerk:** Question 534, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment explain how the FJS trainees are accounted for in the various subheadings contained in the Employment Survey Report 2012?

200 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon J J Bossano):** No, Mr Speaker.

205 **Hon. D J Bossino:** Mr Speaker, he will recall, when we finished the sitting last Thursday, that I asked him why it was that he was unable to answer this Question – which is my only Question to him at this sitting – and he said that it was dependent on what the computer could produce. My retort to that was, 'But your answer is going to be no in any event,' – and true to form, Mr Speaker, the Hon. Minister has indeed replied in the terms that I predicted he would.

210 It reminds me of that famous sketch in 'Little Britain' when the lady always says the computer says no. Presumably in this case the computer must have said no, Mr Speaker; but can I ask him why that is the case?

**Hon. J J Bossano:** I will tell him what the computer says when I answer that supplementary, Mr Speaker.

215 The survey results are compiled from returns made by employers to the Statistics Office, which are confidential and to which my Department does not have access. I understand, however, that the allocation system has not changed from the way in which VTS trainees were allocated by placement in the October 2011 survey and in the previous years.

220 **Hon. D J Bossino:** Mr Speaker, of course the first distinction that comes to mind between the system which was in place during our time in Government, which was the VTS – the Vocational Training Scheme – and the hon. Member's in this Government's system – which is the Future Job Strategy – is of course that FJS trainees are now employed by Government-owned companies, and I wonder whether the hon. Member sees that distinction; and in the light of that, whether there ought to now be a special entry for FJS employees in the Report?

225 Presumably the employer companies of these individuals, these FJS trainees, would have been required to submit forms in order to compile this Report, and I assume that takes account of the large number of employees that we have seen in the public sector to a large extent, for example – and I mentioned this, and the hon. Member will recall, during the course of my Budget intervention, where 230 under table 6.6, which is entitled 'Full-time employee jobs in wholly-owned Government companies by industry and nationality' – there was a considerable increase of 110 from the position as it was in 2010 under the category of 'Public administration', and there are other increases, for example in Health and social work from, again, zero to 80.

235 Mr Speaker, I assume from that that the increase is on account of the fact that the FJS trainees are now employed by Government-owned companies, and perhaps the Hon. Minister could assist me in interpreting this and whether he acknowledges – going back to the beginning of my question – that there is a distinction between the way that VTS trainees were treated under the GSD and the way that they are treated now under his administration – or, rather, the Hon. the Chief Minister's administration?

240 **Hon. J J Bossano:** Mr Speaker, I acknowledge that logically there should have been. In fact, there is not, because the VTS, even though they were not employees, and they were not paying social insurance, and they were not paying tax, and they were not covered by the Employment Law, were in fact included in the Employment Surveys as if they had been employees. Therefore, it is not the case that there are now 245 the employees of the training companies and that that is an increase from zero. If there are more now, it is because there may be 500 now and there were 400 before, right, and they were distributed in the allocation by industry according to the industry in which they were placed in October, which in our case might not have been the same as in the previous case so there may be differences there. So in fact it means that, for example, if you had VTS people who were placed in a hotel, as there were, they would have appeared as employees in the hotel industry, even though they were not being... Well, that is what I 250 am assured by the Statistics Office was happening and I have no reason to doubt it, because obviously I wanted to know how the VTS were being treated when I came in. The October 2011 Survey which I tabled, but which dealt with the GSD period in Government, included the VTS in that Survey.

255 So the answer to his question is that I would agree with him that the logical thing is that the VTS should not have been included by the GSD, but they were. So the fact that they are now included has meant no change in methodology as far as the Statistics Office is concerned, because they have just carried on treating them as they were treating them before – not by the nature of who was paying them, but by the nature of the work which they were employed to be doing or learning to do.

260 In terms of the numbers in the public sector, there may be some element of the people in the companies which were predominantly the people who were moved initially in February from the private to the public, or the people we introduced, for example, in the Care Agency, where previously there had been no trainee carers. Those figures would have been reflected as the numbers in the public sector.

265 **Hon. D J Bossino:** Mr Speaker, I actually find that explanation, as you will have judged by my body language, rather surprising. I am surprised, in fact, that the VTS trainees would have been included as employees, and indeed the hon. Member says so is he. But I will investigate that and perhaps I can have a conversation with him outside of this House. In fact, it then does not provide me with an explanation as to why there has been that large number of increases in the various sectors that I referred to him earlier.

There is one more particular area of activity which I have also found surprising which has been the subject of an increase, and that is... and perhaps the hon. Member... I appreciate that it may not directly

270 lead from the substantive Question which I have posed to him today, but maybe he can assist me and enlighten me in relation to it.

275 In table 6.4, which is entitled, ‘Full-time employee jobs in statutory authorities and agencies by industry and nationality’, now the position in relation to real estate and business activities – we see a number appearing there of 83, whilst the position during our time in government – in other words, as reflected in the previous Employment Survey Report – is zero. Can he explain, because I just find it odd that statutory authorities and agencies should be conducting activities in this field. Maybe he can provide some information in relation to that.

280 **Hon. J J Bossano:** I cannot provide him information without being given notice of a question which requires my going back to the statistician and asking them how the figure...

The Employment Service does not produce the Employment Survey, although it is my responsibility to table it in this House; it is compiled by returns made by employers.

285 As far as I am concerned, the classification is the same classification that has been used in previous years; therefore, there has to be a reason why people appear in there if they did not appear in there before.

But I will look at it and give him an answer.

290 **Hon. D J Bossino:** Mr Speaker, now that we are at it in relation to FJS employees... and I appreciate, judging from the Hon. Chief Minister’s interview that he gave to the GBC a few days ago in relation to his view on what Government transparency is all about... I will ask the question whether the hon. Member’s Department would be minded to produce online statistical information in relation to the FJS employees – at least information as to how many there are and where they are employed by. When I Mean ‘where they are employed by’, obviously I would like as much information as possible. I know the hon. Member will not give it to me, but at least if he could set out those who are in the private sector and those who are in the public sector, I think that would be very useful information which could be made available online, which as I understand it is not currently available.

If not, of course, I will continue to pose Questions in this House in relation to that subject.

300 **Hon. J J Bossano:** Mr Speaker, the information has been provided whenever it has been requested. Whenever he wants it, all he has got to do is ask and I will get it calculated. It is not something we are doing constantly.

The hon. Member must understand that there is quite a high level of movement now. That is to say in the first 11 months the people who came in really did not start moving out until January 2013, because they all started in February and a lot of them had 11-months contracts.

305 In the second year, as I have already explained to him, in order to be able to put more people through the system we introduced a standard three months, and we depart from it only when a case is made which we consider to be justified. The Department looks at the argument as to the training that is required by the employer, how complex the job is and the level of skills that exist in the people we can provide.

310 So otherwise, what we are talking about is that since January there has been a movement in and out. So effectively in every month the composition of the distribution of the trainees will change, even though the number may not change. So you can have, in February and in March and in April, more or less the same number in the system, but they are not the same people and they are not in the same places.

I can give him, whenever we have a meeting of the House, which is quite frequent... If he puts a Question on that information, I will update all the figures that he has got.

315 **Hon. D J Bossino:** Mr Speaker, I am sure he appreciates the point. It is precisely *because* there is so much movement. Rather than me having to ask the question on a monthly basis, which of course I am happy to do... but he needs to appreciate that really what I am asking for is for him to simply set up the information on the website so that one can have almost a snapshot, at least on a monthly or on a quarterly basis, as to what the figures are looking like.

320 If the hon. Member is telling me that he would rather not go down that route and simply provide the information and carry out the administrative work, which would have to be carried out in any event to answer the Question which I pose, then I am happy, of course – in fact it would be my duty, I think – to seek that statistical information across the floor of this House or by way of a Written Question.

325 **Hon. J J Bossano:** That is, in fact, what I am telling him.

330

**New gaming companies  
Details of jobs created**

335 **Clerk:** Question 535, the Hon. D A Feetham.

**Hon D A Feetham:** Mr Speaker, with regard to the four new gaming companies licensed to operate in Gibraltar and the 400 jobs which the Chief Minister has claimed have been created as a consequence, can the Chief Minister please provide a breakdown of those jobs in each of the gaming companies by reference to (a) nationality and (b) the nature of the job?

**Clerk:** Answer, the Hon. the Chief Minister.  
Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

345 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer the Question together with Question 536.

350 **Financial services industry  
Details of jobs created**

**Hon. D A Feetham:** Mr Speaker, with regard to the creation of 200 jobs in the financial services which the Chief Minister says have been created since he took office, can the Chief Minister please provide a breakdown of these jobs by nationality and sector?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

360 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the number of jobs created between 1st January 2012 and June 2013 in the gaming industry was 1,647 of which 143 were created by the four new licence-holders.

The nationality breakdown in the four is as follows: Gibraltarians, 25; other British, 85; Spanish, 2; Swedish, 4; American, 2; Portuguese, 3; German, 5; Polish, 4; Estonian, 1; Irish, 1; Romanian, 5; Israeli, 1; Indian, 1; Slovakian, 1; Dutch, 1; Canadian, 1; French, 1; and Danish, 1.

365 The job distribution is as follows: management, 37; administrative, 24; IT, 11; and gaming skills, 71.

As regards the financial services, the information available in the Department is in respect of the industry code banking, insurance and finance. There is no information for the separate elements of the industry readily available. In the industry sector as a whole, the jobs created between January 2012 and June 2013 was 1,624.

370 **Hon. D A Feetham:** Mr Speaker, yes... but, with respect to the hon. Gentleman, it does not answer my Question, because what I have asked in both of these Questions – but just to concentrate on the first one first – what I have asked is in relation to the four new gaming companies licensed to operate in Gibraltar and the 400 jobs which the Chief Minister has claimed have been created as a consequence.

375 What the hon. Gentleman has given me is a figure of 1,647 jobs that have been created in the gaming industry since January 2012. That does not relate to these four new gaming companies, which is effectively how my Question is predicated, and of course it does not provide a net figure. Because I realise that 1,647 may be the jobs that have been occupied during that period, but it does not provide me with a net figure of *new* jobs that have been created within the sector, which is the whole purpose of my Question.

380 Does the Hon. the Minister for Employment have those figures available, as in fact has been requested in my Question?

385 **Hon. J J Bossano:** Mr Speaker, as I explained to him in answer to Question 373, the number of jobs created and the number of increase in jobs are not the same thing. I gave him a detailed explanation in Question 373.

390 What I am telling him now is, since he has asked again, the number of jobs created, which is not the statement that was made by the Chief Minister. The Chief Minister said in 18 months we have seen four new online gaming companies licensed and three more in the pipeline – this has meant over 400 new jobs.

In the financial services, employment has grown by over 200 – that is a net change – and therefore what I am telling him is that the net change is slightly up on the figure that I gave him in Question 373, which was close to the figures that were being quoted. The figures that were being quoted he has to relate

395 to the answer that I already gave him in Question 373/2013, when I told him in the banking sector it had gone up, up to March, and it has gone up since further. It has gone up from 3,732 to 3,877.

In the gaming industry I was able to give him an estimate by pointing out the number of vacancies filled and the number of jobs terminated.

400 I explained to him that if he wants the information of the jobs created, it is a laborious hand-done exercise, which is this, where the computer produces the name of every individual and the start date of every individual and somebody sits down and counts it so that I can give him the figure. Therefore, the figures that we have got are that those are all the people who started work after 1st January 2012 and up to the end of June.

405 The answer of the net figure is that the net figure is in line with the answers that we stated publicly and they are slightly up on the March level. So that is the answer. The answer is what we have made public already. The breakdown of nationality in the new companies and of the skills is the one that I have given him – the 143. So in fact, of the 400 jobs that have gone up, 143 are in the companies that have just started. One particular company, for example, to date has only got three people in it because it started very recently and the three people are the people who have come to Gibraltar to start the business.

410 So we would expect that that 143 in those particular four companies will be going up. But the figure that was given of the increase in the 18 months was not exclusively about these three, because these three... these four have not been there 18 months. They are more recent than that. They obtained their licence in the last 18 months, but not at the *beginning* of the 18 months. The 400 is over the whole of the 18 months and out of that you have got the 143 that I have given the hon. Member. I hope that explains the difference.

415

**Hon. D A Feetham:** Yes, Mr Speaker, I have to say that I found it very odd when I heard the statement about the 400 jobs in relation to four new gaming companies, because as somebody who obviously operates... I am not a gaming lawyer, but I certainly keep tabs in relation to the gaming sector, I thought that was an exaggeration, to put it mildly.

420

But the Question relates to the four new gaming companies and it says:

‘With regard to the four new gaming companies licensed to operate in Gibraltar... please provide a breakdown of these jobs in each of the gaming companies...’

425

Does he have, in relation to each of those four gaming companies, a breakdown of how many jobs have been created by each of those four new gaming companies and split down by nationality and the nature of the job?

430

I realise that he has provided me with information in relation to the industry as a whole, although he subsumed as well within that a breakdown in relation to the 143, but he is not giving me a breakdown, which is what I ask in my Question, in relation to these four new gaming companies. Does he have that? If he does not, I am quite prepared, provided that he does write to me, I am quite prepared to accept it by letter from the hon. Gentleman if he undertakes to write me to provide me with that information.

435

**Hon. J J Bossano:** Well, Mr Speaker, the figure that I have given him is what the four amount to, given that the reference that was made public was to four companies. I am not saying one company has provided so many jobs, but if he wants me to get the Department to say, ‘Company 1, 20; company 2, 10’, then I will get somebody to write to him today.

440

**Clerk:** With that, we come to the end of answers to Oral Questions.

## Questions for Written Answer

445

**Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the Answers to Written Questions numbered W70/2013 to W98/2013 inclusive.

450

GOVERNMENT MOTION

**Mayor of Gibraltar**  
**Mr Anthony D Lima MBE RD reappointed**

455

**Clerk:** Government motion, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

460

*'This House –*

*1. Notes that the tenure of office as Mayor of Mr Anthony D Lima MBE RD ends on the 31st day of July 2013; and*

465

*2. Reappoints the said Mr Anthony D Lima MBE RD to serve as Mayor for a further period from the 1st day of August 2013 to the 31st day of March 2014.'*

470

Mr Speaker, there is no question of Mr Lima having done anything other than an absolutely excellent job in the time that he has already been Mayor – something which I think is true of all of those who have held the post of mayor, and I note that at one stage you did too – but in this instance what we are dealing with is the introduction of a new process for the appointment of mayor introduced by the previous administration, which created *annually* a new incumbent for the post, and this was done at this time in Parliament with the incumbent taking over, traditionally, on the first day of August.

475

It has been found that this has created an imbalance in the way that the finances of the mayoralty have worked, because the individual who has been leaving the mayoralty at the end of July has, of course, wanted to ensure that in the period of their appointment they have fulfilled their obligations as they have seen fit, including organising certain functions which have, in effect, eaten into the pro rata monthly budget of the mayor between each of the months of the financial year, but in particular between the end of July and 31st March.

480

Therefore, we announced some time ago, and this motion now in effect delivers, that we would be ensuring that the mayoral year runs with the financial year, and therefore the extension now of Mr Lima will take him up to the end of the financial year, so that a new mayor can be appointed by this House with effect from 1st April, which is the beginning of the new financial year.

485

This is what this motion is intended to do. It is an administrative act in that sense, but it is also an opportunity to reflect on how well Mr Lima has already discharged the functions of his office in the 12 months he has been there.

490

**Hon. E J Reyes:** Yes, Mr Speaker.

This side of the House concurs completely with the Chief Minister's words that all past mayors seem to have done a wonderful job and the adjective 'excellent' equally applies to Mr Lima: Mr Lima has proved himself to be a great ambassador amongst Gibraltarians.

495

We understand the Chief Minister's motives. It should be a bit easier for mayors to organise their expenditure if their tenure coincides with that of the financial year. There is a lot of sense in that, and certainly the Treasury Department and the Financial Secretary's Office would be in a far better position to even guide the mayor and help him plan along and so on. So yes, Mr Speaker we will be wholeheartedly supporting this motion.

500

Unfortunately for... well, *fortunately* for Mr Lima, he gets a few extra months. I was going to add *unfortunately* for his wife: it means she now has to put up with his absence from home. Mr Lima was very much looking forward to a quieter life and so on, but like he says, he is more than happy to serve his Gibraltar, something he does with great passion. He has proved himself to be a man of great talents. He has past service in the Royal Naval Reserve; hence his Reserve decoration and so on, as does our Clerk here in Parliament.

505

So we thank Mr Lima for his service and certainly continue to wish him well for the oncoming months, and from this side of the House we give him our total and unreserved support and wish both Mr Lima and his lovely wife, Carmen, all the best in the remaining months in office.

**Mr Speaker:** If no other Member wishes to speak, I will call on the mover to reply.

510 **Hon. Chief Minister:** Mr Speaker, only to say this: at the time that Mr Lima was appointed – I believe we were on the other side – I said that although I understood how much he was looking forward to his retirement, and Carmen was too, it was great of them to lend Gibraltar one more year of their time. It has now turned out it is going to be a year and a half, and I think the whole House will want to join me in thanking them for giving us of that time and for fulfilling their functions as well as they do.

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**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

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## BILLS

### FIRST AND SECOND READING

525

#### **Pensions (Miscellaneous Amendments) Bill 2013** **First Reading approved**

**Clerk:** Bills, First and Second Reading.

A Bill for an Act to amend the Pensions Act and related legislation.

530

The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Pensions Act and related legislation be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Pensions Act and related legislation be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried

**Clerk:** The Pensions (Miscellaneous Amendments) Act 2013.

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#### **Pensions (Miscellaneous Amendments) Bill 2013** **Second Reading approved**

545

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move that the Bill for a Pensions (Miscellaneous Amendments) Act 2013 be read a second time.

Mr Speaker, this Bill, bar certain amendments, was published originally in identical terms to a Bill published by the previous administration as Bill 25/2011.

550

The amendments, which mirror those that appeared in Bill 25/2011, arise from issues which arose during the previous administration and which officials have asserted require legislative change. Most of these involve amendments to the Pensions Act itself. It will be noted, for example, that clause 1 of the Bill contains an extensive commencement provision and that the commencement dates of the provisions vary from as far back as March 2007 to the date of publication, and the Hon. Learned Gentleman Mr Bossino and I have had a discussion about one of those particular retrospective provisions, which I will come to.

555

However, Mr Speaker, on further consideration, and as a result of discussions which have taken place since the date of publication, the Government will, at the Committee Stage, propose certain amendments to the Bill which it is felt best reflect the current administration's policy in these areas. I will speak, at this stage, on the basis of the Bill as we propose it stand *after* amendment at the Committee Stage, and I know that hon. Members have had notice of my letter to you setting out the proposed amendments and will therefore be able to follow what it is that I am speaking to.

560

Mr Speaker, I will take the amendments in the order that they appear in the Bill except where, due to these amendments I am talking about, being linked, it is more useful to deal with them out of that order.

565

I will be proposing at committee stage that the amendments included in clause 2(2) of the Bill – which would extend definitions of 'fire', 'police' and 'prison officer' within the Pensions Act to include the most senior ranks – are deleted.

The policy behind the initial inclusion of this provision was to make these posts more attractive to potential applicants. The current situation in the Fire, Police and Prison Service is that once an individual reaches a certain rank, he is liable, in certain circumstances on retirement, to the payment of Income Tax on his pension, which, had he remained at a lower rank, he would not otherwise have been liable to pay. It

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was thought that without this amendment senior officers could be put off applying for promotion and that therefore we would not always get the best person for a particular post being interested in applying; but we no longer believe that this is a valid argument, and that even if it were, we are no longer of the opinion on this side of the House, Mr Speaker, that bringing those posts within the said definitions would be the appropriate way to resolve the issue.

575

Police, fire and prison officers are exempt from paying tax on their pension income at a lower age due to the difference in their compulsory retirement age. Bringing the most senior officers into the same regime would mean that they could expect to retire at the same age as other officers, therefore potentially causing a loss of experience at those grades.

580

The Government is of the view that the current position should *not* change and that it is right that the persons chosen for the most senior positions in those services continue in those posts for as long as possible and therefore continue to provide their expertise to the community.

585

I will also be proposing at Committee Stage the deletion of clause 2(3)(a) of the Bill, which amends section 6(1) of the Pensions Act so as to include a new proviso to paragraph (a) of that subsection. That proviso to section 6(1)(a) allows for the deferment of pensions etc in cases where persons have been retired before the age of 55. I am informed by officials that this is merely intended to put on a statutory footing the *current* practice, where such deferment is entered into by means of an *ad hoc* agreement with the person who wishes to retire and the Government, giving effect to the previous Government's policy in this respect. I am further informed that this *ad hoc* system works perfectly well. As such, I will be proposing that it is not changed.

590

The amendments to section 6(1)(c) and 6(1)(d) are unchanged and clarify that pensions granted under the principal Act to persons transferred from Government service to a particular statutory authority may only be granted if the transferred person would have been entitled to a pension at the time of his or her transfer. This is to ensure that only the transferring employees from Government service to statutory authorities who are entitled to pension benefits under the principal Act continue to be so entitled. This Government has made an amendment to the 2011 Bill as it stood, in that it is intended that this will now also extend to certain agencies as well as statutory authorities.

595

The new section 6(1)(e) is included to ensure that Government employees who were seconded to certain companies and are now employed by wholly Government-owned companies, e.g. the Government employees seconded to AquaGib who have now been employed by M&E Services, maintain their pension rights under the principal Act whilst in the employment of that company to such extent as is contained in their contracts of employment.

600

This Government has also made an amendment to the 2011 Bill in that it is intended that this will now also extend to certain corporations as well as wholly-owned Government companies.

605

The new section 6(1)(f) is intended to consolidate under the principal Act the pensions entitlement of LPS ex-Government employees, who presently enjoy pensions benefits equal to those under the Pensions Act. This is subject to transfer of their accrued benefits into the LPS closed Pension Scheme and Provident Trust Fund to Government, and subject to a payment contribution equivalent to 25% of basic pay until retirement. The amendments are drafted so as to be able to accommodate future agreements, if any, by means of notices published in the Government *Gazette*.

610

Clause 2(4) inserts new subsections (1A) to (1E) into section 6 of the principal Act. These new subsections are intended to ensure that persons who retire on medical grounds, i.e. those who are unfit to work and who are granted a pension on that basis, who subsequently take up similar employment, may have their pension payments suspended until they either reach the age of 55, the normal retirement age under the principal Act, or cease that employment.

615

Early payment of a pension under the principal Act is based on an assumption that the recipient will no longer be fit for employment. If the person's circumstances have changed sufficiently so as to allow him to re-enter the workplace before the person reaches retirement age, then it should be possible to reassess whether the payment should continue. It has been Government policy to require an agreement from persons retiring on medical grounds to follow this procedure. This amendment places that policy on a statutory footing. The power is discretionary and it is intended that deferment will only take place in cases of clear abuse.

620

The amendment to section 12 contained in clause 2(6) is consequential to this amendment.

625

Mr Speaker, I am going to move a further amendment today as a result of a very helpful exchange that I have had with the Hon. and Learned Mr Bossino about the notice... the commencement aspect of this particular part of the Bill not to make application of these sections retrospective in any effect. It is an issue that he has raised with me and I have looked further into.

630

I am told, Mr Speaker, that the date for commencement which is given in the Bill is the date when the Chief Secretary then gave an instruction to the Human Resources Department to seek these agreements that I have just referred to with those who were retiring on these grounds, and that therefore, even if we provided for a retrospective commencement date, everyone who has left the service has entered into an agreement to the same effect as the statute.



635 But we have taken the view, having considered the hon. Member's point, that there is absolutely no need to create a retrospective provision in this way, in particular because it is a provision that creates an offence and it would be retrospectively brought into our statute. We take the view that, even though everybody has already entered into an agreement with the Income Tax office, in effect, in respect of this particular provision because of the direction from the previous Chief Secretary, there is no need to legislate to create retrospectivity.

640 Therefore, Mr Speaker, I am going to be moving an amendment, which I will give notice of in writing whilst somebody else deals with another Bill. It is a very short one: to simply change section 1(6) and take out '1st June 2009' and replace it with 'the date of publication'. That will deal with the retrospectivity and that clause will, in effect, create a section that comes into effect on the date of publication of the Act, if it is approved by the House today.

645 Clause 2(5), Mr Speaker, is another clause in relation to which I will be proposing an amendment at Committee Stage – one of which I have already given notice. As published, clause 2(5) amends section 8 of the principal Act as a result of errors that occurred in connection with the processing of Act 20/1999 going back quite a few years. That Act, passed by the previous administration, and in fact by the predecessor of this Parliament, by the House of Assembly, on 7th July 1999, made amendments regarding the pensionable terms and conditions of prison officers but was never commenced. Given that the passing of this amendment goes against current Government policy, I will be proposing an alternative version of this clause at committee stage which removes the changes included as a result of the error with regard to Act 20/1999, and simply includes a proviso allowing for the retention of certain fire, police and prison officers, who will usually be in specialist roles, after their normal retirement age in exceptional circumstances.

655 This amendment, Mr Speaker, also deviates from the Bill as published by the previous administration in that it relates to prison officers as well as police and fire officers. The amendment and those consequential to it are intended to ensure that where an officer who reaches the compulsory retirement age has specific knowledge and skills and is willing and able to continue in his post, he can do so without adversely affecting his or her pension rights.

660 Clause 2(7) inserts a new section 16A, which is intended to ensure that officers who are promoted or transferred to pensionable positions within the service which would result in a reduction of pensionable emoluments may, with the approval of the Government, retain the pension rights which relate to the office from which they were transferred or promoted. This is to ensure that officers are not dissuaded from applying for certain promotions or transfers solely on the grounds that such transfer or promotion may cause them to, on retirement, receive a lesser pension. A consequential change to the regulation appears in clause 3, Mr Speaker.

665 The new section 17(7), inserted by clause 2(8), is intended to allow for payments to be made to relatives of persons who die whilst in the service of certain statutory authorities, having been transferred there from Government service, as if that person had died in Government service. This Government has made an amendment to the 2011 Bill in that it is intended that this will also extend to certain agencies and corporations.

670 Mr Speaker, at Committee Stage I will be proposing an amendment to clause 3 which will replace the current clause 3(2). Clause 3(2), as published, replaces the entirety of regulation 4 of the Pensions Regulations with a new regulation. The changes in that version to sub-regulations (1) to (3) are consequential to the amendments which were included in the published Bill to section 8 of the Act as a result of Act 20/1999, which I referred to earlier.

675 As I mentioned before, Mr Speaker, it is not proposed to proceed with those changes. However, there is still a new regulation 4(4), which makes provision for employees who leave pensionable service under the early exit scheme in order to allow for enhanced pensions in such cases. This version also includes a difference to the 2011 Bill in that new regulation 4(4) has been amended so as to require approval of such schemes by the Financial Secretary and for such approval to be by notice in the *Gazette*.

680 Finally, Mr Speaker, clause 4 makes amendments to the Income Tax (Allowances, Deductions and Exemptions) Rules 1992. The amendments allow for the tax-free status of pensions enjoyed by persons compulsorily retired over the age of 55 to be also enjoyed by those compulsorily retired after that age – for example, a police officer whose age of retirement has been increased under section 8 – and this change to the amendments to section 8 means that the cross-reference to section 8(3) is no longer necessary. An amendment dealing with that will be proposed at committee stage.

685 Mr Speaker, I commend the Bill to the House.

690 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

**Hon. D J Bossino:** Mr Speaker, yes, I have in fact spent a considerable amount of time reviewing the Bill as originally published, and I must say that the Hon. the Chief Minister has stolen my thunder

695 somewhat by the amendments that he gave notice of – I think it was yesterday or the day before yesterday  
 – and indeed also by stating that in fact this was a draft prepared by the previous administration, of which,  
 of course, I was not a Member. (*Laughter*) So that will be my excuse, because I had certainly reservations  
 in respect of many of the provisions which were therein contained, Mr Speaker, but I am glad that as a  
 700 result of the amendments which the Hon. Chief Minister has given notice of, I am happy to say that this  
 side of the House will be in a position to support the Bill which has been introduced as amended.

Mr Speaker, the only... and I do not mean this as a criticism of the Hon. the Chief Minister... But the  
 only point I would make and I think he conceded the points in relation to the debate that we had in this  
 House before you were with us, Mr Speaker, in relation to the Broadcasting Bill, when I think he also  
 705 introduced... gave notice of numerous amendments of the Act to the Bill, I think literally on the day or the  
 day before the matter was debated. The only point I make and I appreciate that he runs a busy office in  
 discharging his duties as Chief Minister of this community... The only point I make is that it would be  
 very useful indeed if I had had notice of these amendments – one, because I would have had more time to  
 discuss them with him; and secondly, it would have meant that I would not have spent so much time  
 710 reviewing some of those provisions set out in the original Bill, which vexed me so much and I found  
 objectionable.

The good aspect of these amendments, Mr Speaker, is that it also simplifies, I think, many of the  
 provisions which were there before, which I think were inordinately complex and perhaps may have  
 reflected practice, but I think going forward it really assists in simplifying matters and I am assuming and  
 I understand that there has been sufficient consultation between the Gibraltar Government and the  
 715 interested parties to reach what is an agreed position and a position which all relevant stakeholders and  
 interested parties are happy with. I can certainly say that that is information which I have been receiving  
 as a Member of the Opposition.

Mr Speaker, moving on to the nitty-gritty of the Bill, the Bill introduces amendments to section 6 of  
 the Pensions Act, and of course section 6 of the Pensions Act is crucially important to the whole  
 720 framework of the Bill because, in effect, it is the provision which gives statutory backing to the  
 entitlement to receipt of a pension. In fact, it is interestingly set out, almost as the general rule is that you  
 will not receive a pension unless of course one you are retired and then secondly you fulfil all the lengthy  
 requirements set out in section 6(1) and its various subsections. So any amendments to that section have  
 725 to be looked at carefully and scrutinised to ensure that it is not disrupted unfairly and it would unfairly  
 affect potential or current recipients, and that is why I have taken a bit of time in reviewing this particular  
 amendment.

Mr Speaker, section 2(3), which I am happy is one of the ones which have been deleted and no longer  
 form part of the amendment to the Bill, because that is one that certainly would not have found support  
 from this side of the House... it was, in my view, ground breaking in the sense that it was... I appreciate  
 730 the Hon. Minister for Justice is laughing, presumably because it is something that the GSD was intending  
 to be doing, (*Interjection*) but that certainly I found it remarkable that the Government should have the  
 ability to depart from what I assume was a practice, which is that anybody who retires from the age of 50  
 could have had his pension deferred almost at the Government's whim until the age of 55. So I am glad  
 that that has been removed, and I understand, Mr Speaker, that that was a subject of certain  
 735 representations which this Government has received.

In relation to the other provisions which are being suggested, are being proposed, we also support  
 them.

Section 2(3)(c), for example, are tidy-up provisions, as far as I can see, and we are happy to support.

I welcome also the introduction of new (e) and (f). The Hon. the Chief Minister has given me  
 740 background explanation as to why those are there. I was not aware of that and I think it makes every  
 sense that they should be.

Mr Speaker, in relation to section 2, and I think it is 2(3)(4), which the Hon. the Chief Minister has  
 referred to in the course of his intervention. Yes, it is correct that that has been the subject of discussions  
 with him, which I welcomed, because I just found it unconscionable that it was possible; and in fact, I  
 745 think it could have been challenged constitutionally to make this particular provision retrospective, in  
 effect. So I am very glad and welcome the fact that the Hon. Chief Minister has taken that on board and  
 is, in effect, suggesting that the effect of this provision will be prospective in effect.

Mr Speaker, I will be suggesting amendments at Committee Stage in relation to the wording of the  
 provision – for example, it appears that under section, well it appears, no it clearly states under section  
 750 (1A) that there is now a requirement, if you are pensioned off as a result of infirmity and you obtain  
 alternative employment, then you need to notify the Government of that fact. Perhaps I would suggest  
 that a period of time be allowed from obtention of employment to notification – for example, within two  
 days, seven days, 14 days, so that at least there is a certain period of time, rather than it, sort of, being  
 immediate.

Also, Mr Speaker, if this amendment is going to take effect today, which it will because it will be  
 755 passed by, I think, unanimously... (*Interjection*) Sorry? (*Interjection*) Oh, yes. We will approve the Act

and then it will come into force at certain dates in the future, but the point is whenever it comes into effect, Mr Speaker, there may be people who are at this moment in time in this category, who are in employment, and perhaps they should be given a bit of time.

760 The Hon. the Chief Minister... Yes, I will give way.

**Hon. Chief Minister:** Mr Speaker, for the reasons that I indicated to him already, we do not believe that there is anybody in that situation at all, because everybody who has retired on the grounds of infirmity has entered into the agreement.

765 If I may just deal with this point before I sit down, I certainly agree with him that people in the future who are not going to do the agreement, because there is now going to be a piece of legislation, should be made aware of that. When will that happen? Of course, as we just pointed out, the Bill becomes law, not just when we pass it, but after Royal Assent and on publication. There is publication and therefore notice to the world, but he needs to remember that in this context people are going to go through the Human Resources Department because they are retiring from Government.

770 So, in the context of going through the Human Resources Department, I understand that the position is that whenever you retire on the grounds of infirmity you are told, certainly since the date of the agreement and certainly prospectively, 'If you get better and you get a job, remember that you have to give notice and you need to get approval from us,' etc. So it is not something that people are likely not to know because they do not research the law. They may not even think that they have to go to a lawyer if they are going to get another job. It is something that, at the point when they sign up for their pension on medical grounds, they will be advised of in case they get better. I do not know whether that is helpful.

780 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker...

**Hon. Chief Minister:** I will give way to him.

785 **Hon. D J Bossino:** Mr Speaker, just to pursue the formality of the House, I am happy, I think the Hon. the Minister for Justice wishes to develop and elaborate on the point, and I am willing to give way to him as well.

790 **Hon. G H Licudi:** Yes, Mr Speaker, just to confirm the position as stated by the Chief Minister, this is the point in relation to the retrospection back to June 2009 which the Chief Minister already explained that our understanding... We are told by officials that is the date on which instructions were given to Human Resources Department to insert a clause in the letters going to people who were going to retire on medical grounds about the obligation to notify Government in case they were getting employment.

795 So it is not just a question that the Bill is going to be published and therefore it is going to be known because it is publicly available. As the Chief Minister said, not only will people be told, people *have* been told, as from June 2009, that this is their obligation.

We do not see the need to go back retrospectively with this particular provision, but certainly that practice will continue going forward and people will actually be told in their letters that they have this obligation. This will be brought to their attention.

800 **Hon. D J Bossino:** Yes, Mr Speaker, I am very very grateful for both interventions and it does clarify the point, but can I just say I think that the Hon. Chief Minister... and I am willing to give way on this point, unless he wants to deal with the issue in his right to reply. I think he said, during the course of his intervention, that... he mentioned that there was a requirement to enter into an agreement with the Gibraltar Government and that this was reflected in the statutory provision. I am not sure whether that is the case.

805 What this does is set out in statutory language that the requirement will now become a legal obligation to notify the Gibraltar Government outwith an agreement. It is a statutory requirement which the individual has to undertake. I think the Hon. the Minister for Justice is going to be replying on that point, so I am grateful.

810 **Hon. G H Licudi:** Yes, Mr Speaker, just to explain what the nature of the agreement is, because since June 2009 whenever people have retired on medical grounds they have received this letter, which says that they have the obligation to notify. They have been notifying the Government systematically and asking for permission and therefore the Government has in each case agreed, agreed as a matter of practice, that the re-employment should take place and that there should be no suspension of pensions in the meantime.

815 That is the extent of the agreement. It is not an agreement at the beginning, but an agreement once somebody notifies the Government that they intend to take up re-employment and the Government agrees that that should take place without affecting their payment of pension. (*Interjection*)

820 **Hon. D J Bossino:** Mr Speaker, I think I am being asked by the Hon. Chief Minister to give way to him, and I am, of course, happy to do so.

825 **Hon. Chief Minister:** Yes, Mr Speaker, I think that that clarifies, what the Hon. Minister for Justice has said clarifies what the agreement is at the moment. But what I said in my speech – and I do not know whether he misunderstood it, and I think this is the point he was taking – is that the agreement now is going to be enshrined in law. It is not that the law will require an agreement, and I think that is the point that he was suggesting I made. I am not saying that the law is going to require an agreement. The law now reflects, as an obligation, what has previously been done by way of agreement, and that is the point I was making in that form of words.

830 **Hon. D J Bossino:** Yes, I am very grateful to both interventions, and again, it clarifies matters for me. This is why – going back to the first point I made during the course of my intervention – it would assist if we could have more time for these amendments. It is partly my fault, in the sense that this Bill was actually published in, I think it was in May – yes, May – and I could have looked at this earlier.

835 Mr Speaker, I am also gratified that the ability of the Government, which is now set out in statute, to suspend the pension received by an individual who is incapacitated for whatever reason, is set out in discretionary terms. It is set out in section (1A) as ‘may be suspended’, and I note what the Hon. the Chief Minister said during the course of his intervention, that it will only be in cases of clear abuse that the Government will suspend a pension in those circumstances; and in fact that, I assume, has been the practice as over the last, well now four years.

840 Continuing with that theme, I notice, Mr Speaker, that in section (1B) it is in the following terms, and it says:

845 ‘If it comes to the notice of the Government that an officer to whom subsection (1A) applies has taken up further employment, the officer shall be informed that the payment of his pension will be suspended...’

850 So no discretionary element, as far as I can see, in relation to that particular provision. I understand why that is there. In other words, when somebody has worked... has obtained alternative employment and has not notified, as he is now statutorily obliged to do, and previously was contractually bound to do, fails to do so, then the Government, it seems, in my view, has a mandatory obligation almost to suspend... or the mandatory right to suspend their pension unless the officer can show cause.

855 I know that is a point that no doubt will be made. But the interesting point is that I wonder whether wording could be included – and I can suggest wording during the course of the Committee Stage – whereby the notification which comes to the Government is notification which has come to the Government when an individual has not notified, if the hon. Members understand me. So it may be implicit in the section, but I have certain wording, which hopefully the hon. Members will accept as being helpful, to clarify that particular provision.

Mr Speaker, I think that probably deals with section 2(3) and (4).

860 If I could have the indulgence just to review my notes, because most of my notes, of course, related to the issue in relation to retrospection, and I am glad that that has now been dealt with and removed.

Mr Speaker, yes, the removal and replacement of section 2(5), which introduced new section 8(1), is also welcomed by the Opposition, and that is one of the complicated provisions which I came across, and it seemed to... you know, was almost like a verbal gymnastics situation in order to accommodate.

865 I did not understand the rationale behind it or the negotiations behind it in order to accommodate prison officers who were in employment on a certain date in July 1998. I understand from conversations, and now the Hon. the Minister for Justice is confirming this, that that is related to one particular officer. From a drafting perspective and from an understanding perspective, it is an amendment which, Mr Speaker, I certainly can... and from my new GSD perspective (*Laughter*) it is an amendment which of course I am willing to welcome and support, and this side of the House is too.

870 Mr Speaker, in relation to section 2(3)(6), the amendment which the Hon. the Chief Minister has concentrated on and spoken on in relation to the retrospection of subsection (4) also deals with this section, and I also welcome that. So that the new section 12(1), which deals with suspension of pension on re-employment, I think this is, those offices, having looked at the Act and looked at the amendment, it is those officers who are already entitled, who are already of pensionable age, but are *required* by the Government to continue to work for the Government. There is an addition there which again deals with those who are incapacitated due to illness, and I had certain issues, similar to the ones I raised in relation to the section I have just been speaking on, in relation to retrospection. So I also welcome the fact that, as a result of the Chief Minister’s proposed amendments across the floor of the House to section 1(6), that that will also take effect on the date of publication and I have no difficulty therefore in supporting that.

Mr Speaker, subsection (7) will also be supported. I think that is eminently a sensible provision.

880 Subsection (8) will also be supported. I have one minor suggestion, and that is simply that – and I know it impacts on the principal Act as currently drafted – the Electricity Authority is not referred to in its proper statutory name, which is actually the ‘Gibraltar Electricity Authority’. I am known for my pedantry, Mr Speaker, and I think it ought to be set out in the Act properly.

885 Again, Mr Speaker, the amendment suggested to regulation 4 of the Pensions Regulations is also welcome.

Simply to point out, Mr Speaker, that there is a reference – again, this is a criticism that can be made of the principal Act as currently drafted, but it perpetuates itself in the amendments which have been introduced this morning – a reference to special cases, and under special cases the Government can do certain things. There is no statutory definition of special cases, and I just raise that as a point that can be raised with the LSU for future reference and whether we can include something there, or whether the Government thinks that that would tie its hands too much.

890 Interestingly, Mr Speaker... In fact, if I can go back to section 8(1), there is a reference there also to special cases in the context of the Government requiring an officer who attains the age of 50... in special cases can be required to continue in employment; but, funnily enough, the proviso which is now being included by the Hon. the Chief Minister reads:

‘Provided that the Governor shall, in exceptional circumstances...’

900 – not special cases, ‘in exceptional circumstances’ –

‘and on the recommendation of the Government, increase the compulsory retirement age in this subsection with respect to a particular police, fire or prison officer or officers.’

905 So there is that interplay between special cases and exceptional circumstances, and I do not really understand why there is a difference. Perhaps the Hon. the Chief Minister, in his reply to me, can elucidate and enlighten me in relation to that.

Mr Speaker, I am just reviewing my notes.

Subsection (4), again, is supported by us. There is no difficulty.

910 I am just trying to remind myself... I think there is an inclusion there. It is in the Bill, set out as section (3)(d) and it reads:

‘(5) Provided that in the case of a person who retires in accordance with this regulation before attaining the age of sixty years—  
(a) any pension, gratuity or other allowance under this Act... in respect of that person shall be deferred until such time as the person attains the age of sixty;’

915 I just wondered whether the Hon. the Chief Minister could explain why that does not give the Government a –

920 **A Member:** The reading of the Bill, or the Act?

**Hon. D J Bossino:** Of the Bill, which introduces a new regulation, sub-regulation (5), to regulation 4 – why that does not allow for a discretionary element. I really do not know why, so I am really speaking here in uncharted territory, as far as I am concerned.

925 Of course, Mr Speaker, the notice of amendments which the Hon. the Chief Minister has given today in relation to the consequential amendments to the Income Tax Rules is, of course, obvious that had to be made and of course we support.

Mr Speaker, I think that ends my contribution in relation to this Bill.

930 **Mr Speaker:** Does the Hon. Chief Minister wish to reply?

**Hon. D A Feetham:** Mr Speaker, Mr Speaker...

935 **Hon. G H Licudi:** Mr Speaker, there is one particular point raised by the hon. Member which I wish to deal with, and that is in relation to clause 2(3), which had a provision whereby the pension could be deferred if there was a retirement before the age of 55.

The hon. Member has referred to representations which had been made and has suggested that, as a result of those representations, the Government has agreed not to proceed with this provision for deferment and therefore no provision for deferment will arise.

940 I just wanted to clarify – it is not very clear to us which representations he is referring to – if they are the same representations that were made to us, which were representations on behalf of police, fire officers and prison officers. Although they have got a compulsory retirement age of 55, there is a possibility of retiring as from 50 and they were concerned that the effect of this would be that if they

retired between 50 and 55, then they might not receive a pension at all until they reached 55. Those were the representations that were made to us and I understand those were the representations which were made to the hon. Member, which he has referred to.

Let me just make the position absolutely clear as we stated to those particular officers who came to see us. Those representations were simply based on a misconception as to what this actually does. This provision is in relation to section 6. The provisions which relate to the retirement of prison officers, police officers and fire officers is contained in section 8. It is section 8, and hon. Members will see in the Bill, in clause 2(5), where it says:

‘For section 8 substitute –’

and then the heading is ‘Compulsory retirement’. Then you have ‘Compulsory retirement’ and it refers to fire officers, police officers and prison officers.

So, what we did in response to those representations was simply to say that that provision did not apply to those officers in any event. Those officers would retire under section 8. The compulsory retirement in section 8 is 55 and there was never any possibility or never any intention for any deferment of payment of pensions in respect of those officers if they retired before the age of 55. That is what was explained to them, which they accepted.

The reason why we have not proceeded with this particular provision, as explained by the Hon. the Chief Minister, is that there is an *ad hoc* arrangement in place whereby agreements are put in place for the possibility of deferment, and because that *ad hoc* arrangement is working well in practice, then there is no need to change it. So it is not that it has been removed as a response to those representations, because those representations in fact did not apply to those categories of officers who had those concerns, and we simply clarified to them that that provision did not apply to them at all and they were perfectly happy about that.

**Mr Speaker:** The Hon. the Leader of the Opposition.

**Hon. D A Feetham:** Mr Speaker, thank you very much.

Mr Speaker, I just want to say a few brief words in relation to certain aspects of what has been said because it impacts on the Opposition’s policy moving forward in relation to the legislative process.

It has been said in this House during the course of the debates that this particular Bill is a Bill that has been drafted by the previous Administration, and that may be so, but of course that does not mean – and this is not the point that I am going to be making – that it has received ministerial approval.

Members opposite will by now know that when legislation is to be effectively moved in this House, the process starts with instructions from the relevant Minister to the drafter to draft legislation. It then comes back and then it receives ministerial approval. It depends on the nature or the subject matter as to the level at which that is approved. For example, anything that has no financial implication would probably only be approved by the relevant Minister who has carriage of that legislation. If it impacts on the finances of Gibraltar, then it would have, effectively, a dual-lock approval, it would also go to the Chief Minister. Indeed, if there is a wide public-interest issue – for example, in relation to the age-of-consent parts of the Crimes Bill, that was, during my time, discussed by the entirety of Cabinet.

I do not know, because it came as a surprise to me as well, that this particular Bill had actually been drafted during our time in office. I do not know whether it received ministerial approval. It makes no difference. It makes absolutely no difference, and this is the point that I wish to make.

Even if this had received ministerial approval by either the former Chief Minister or any other Member of the Government at the time, moving forwards, if we believed that there were clauses in a Bill drafted and approved by us that were objectionable or that we could not support having reviewed the matter at this stage, that is the position that we will take – because at the end of the day it is in the interests of the legislative process, it is in the interests of introducing and approving the best laws possible... that obviously Her Majesty’s loyal Opposition is prepared to look at a Bill, even those that have been drafted by *our* Administration, and if we take the view that we ought not to support certain provisions from that Bill, that is precisely what we intend to do.

**Hon. G H Licudi:** Mr Speaker, will the hon. Member give way before he sits down?

I note what he has said and no doubt the Chief Minister, in his response, will deal with that; but the hon. Member seems to be saying that he does not know if this particular Bill, in its previous incarnation under the GSD Administration, received ministerial approval.

As the Hon. the Chief Minister has said, the Bill was actually published by the previous Administration. It was published on 6th October 2011 in the third supplement to the *Gibraltar Gazette* as Bill No. 25/2011, before the last General Election. We then had a General Election in December 2011. Therefore, the Bill lapsed and that is why it was republished.

1005 But not only was the Bill published, and this has already been alluded to, in any event; there are some provisions in the Bill – which was published, but we have decided not to proceed, for the reasons already explained – which were actually passed by this Parliament in 1999. So there was already legislation in place – in particular legislation dealing with the raising of the retirement age for prison officers from 55 to 60. That was passed by legislation brought to this Parliament by the previous Administration and passed by this Parliament with the votes of the previous Administration.

1010 It was never commenced – that is the error that the Hon. the Chief Minister has referred to, because nobody understands why it was never commenced; it was simply left there – and it seems that, at some point, the previous Administration realised that there was an error. It was still their policy, and therefore ministerial approval had been given. It was still their policy that that should be passed, and therefore they published the Bill again in 2011.

1015 So it is difficult to understand how the hon. Member can maintain that these provisions would never have received ministerial approval, and I am happy to give way.

1020 **Hon. D A Feetham:** No, we were not aware, and of course if it has been published it has been published. Not necessarily because something is published... that Members on this side of the House will recall every single Bill that has been published and, in this particular case, not proceeded with.

What I am trying to do is to give a flavour of what is the legislative process in terms of the drafting and then approval by Ministers – in some cases dual-lock approval and in some cases approval by the Cabinet as a whole.

1025 I could not remember that this had been actually published in October. I am very grateful to the hon. Gentleman for reminding me that that is the position, but in any event the central point and what I want to make absolutely clear is that what we are not going to be, as a matter of practice, in the future is ‘die in the ditch’ in relation to anything that has been done in terms of legislation by the previous Administration if we felt, in all honesty, looking at it now, that certain provisions were not provisions that we ought to be introducing in this House. Hence why the Hon. my Learned Friend, Mr Bossino, has quite rightly gone through a number of provisions, and even when he has been told actually this Bill is a Bill that has been drafted by the GSD, he has been critical of those provisions.

1030 What I want to make absolutely clear is that we are not going to be bound in any way, shape or form by anything that has been done legislatively in the past if we felt that it was not right and proper for us to support it in the future.

1035

**Mr Speaker:** The Hon. the Chief Minister.

1040 **Hon. Chief Minister:** Mr Speaker, I want to start by thanking the Hon. the Minister for Justice for his interventions in respect of this matter.

I told the Hon. Mr Bossino that Mr Licudi had been leading on certain aspects of this Bill because, as he will have seen, a lot of the issues relate to law enforcement officials with whom he has the closest contact, so he has seen how he has been able to deal with many of the issues that relate to those parts of the Bill and I want to thank the Minister for Justice for his assistance to me in the preparation of this Bill.

1045 Let me start with the more political parts of the debate.

The new GSD that the Hon. Mr Bossino referred to... Would that he *were* the new GSD, Mr Speaker – it may be that we might then be able to have as constructive a debate, not just on this issue but on many others – not, Mr Speaker, this other GSD that I tend to have to deal with in the press.

1050 But anyway, Mr Speaker, I also note what the Hon. the current the Leader of the Opposition has said about the fact that this Bill does not necessarily... the fact that it was published under what I assume one should now refer to as the old GSD – that old successful GSD that won so many elections – does not necessarily bind the new GSD. Mr Speaker, I understand that and it is a matter entirely for him how much distance he puts between his party today and the party as it was on 8th December 2011.

1055 There are certain things where we would very much welcome that he put distance between where his party was and where it should be, but I must tell him I find it extremely difficult to understand that he was Minister for Justice – he was not just a Minister, but Minister for Justice – in the old GSD’s Government and he was not aware of a piece of legislation that had been published as a Bill.

1060 The way that we work on this side of the House is that all of us are aware of all Bills that are being published and all of us are giving input in respect of that legislation. Even then, sometimes after publication there is a need to bring amendment because issues are brought to the attention of Ministers or officials which the draftsman, the Minister responsible, and those of us who are working on Bills together have not highlighted on.

1065 As the Hon. Mr Bossino rightly put it, sometimes in ministerial office there is a lot going on and issues are raised afterwards, and thence the need to raise amendments, but it is actually jaw-droppingly surprising that the previous Minister for Justice was presiding over a regime where Bills were being

published and he was not aware of them, to such an extent that he is today happy to put distance between a Bill as published under his regime and the Bill as debated today.

1070 There may be a perfectly reasonable explanation. And it is that, Mr Speaker, we published this Bill but we are making amendments to it, so we are not sticking to the Bill as published in May – we are amending the Bill – but the way that he has presented it is really quite jaw-dropping.

Mr Speaker, let me move on to some of the much more constructive points made by the Hon. Mr Bossino.

1075 In terms of officials, when I talked about that in the context of my speech, I think it is important for the House to note that this is an issue not just of importance to the Commissioner of Income Tax and the Financial Secretary, but also to the Principal Auditor, because obviously payments have been made or not made under arrangements which did not have legislative cover, and that is why I think it is important the House understands the need to make this legislation to section 6 in particular of the Pensions Act. I am just reflecting for a minute that he is absolutely right, Mr Speaker, that section 6 is almost the spine of the Pensions Act and how the criteria from which emoluments will flow in that respect.

1080 I think that neither he nor I ever thought that we would be doing such an in-depth analysis of that piece of legislation when we both decided in our teens that we wanted to be politicians. Perhaps then we did not expect to face each other across the floor of the House – we expected to sit next to each other – but he and I have always ended up facing each other in the best possible spirit.

1085 But he is right, section 6(1) in particular and its tributaries is extremely important to the whole structure of the Pensions Act and in particular to pensions as they have been in Gibraltar until the recent amendments that mean that new entrants into the Civil Service are not necessarily covered by the Act, and therefore this is an Act that requires careful consideration to get right.

1090 He said, Mr Speaker, something with which I tend to sympathise, which is that we gave him notice of the amendments... I think late yesterday evening he would have got them. Mr Speaker, I sympathise hugely with that issue because he will know that under the old GSD we were often – we were *always*, in fact – visited with proposed amendments to a piece of legislation only once the Chief Minister – the old GSD Chief Minister, the now backbencher – had risen and had started to make his speech. So he would have had his analysis, as I had my analysis of legislation, done on the basis of the published Bill, to get up and hear what I have given notice of yesterday and he saw yesterday.

1095 It is sometimes difficult to do that sooner. I have had no difficulty... and he will know because I think it has happened on a number of occasions already when the amendments have been substantial and I have circulated those before. In fact, I think I also circulated a tracked version of a previous piece of legislation. The tracked version I did not have available yesterday, but I do have it today and I am quite happy to send it to him so that he has it for his file and he can see the shape of the Bill even before it is published as a passed Act, which is the only next opportunity for him to see it in the form in which it will be otherwise.

1100 So although I have huge sympathy with that, there are two issues. First of all, the old GSD used to do it, and that is why we will not do it in that way, because we think it should be done by giving you as much notice as we can. This is legislation. We should be trying to work together on these issues, where possible. There may be times when the amendments are minor and they are almost circulated at the last minute because they are minor, they are typographical. Draftspeople sometimes notice things and send notices to Government at the very last minute, so I cannot be bound by an obligation to give them notice earlier, but certainly I will always try to give them notice of amendments earlier than that.

1110 But I do note, Mr Speaker, that he has said that he will be moving amendments, during the course of the Committee Stage, of which I do not have notice. I will tell him, Mr Speaker, that my practice, on a number of occasions when I was on the other side, was that I would circulate a letter saying, 'These are the amendments I am going to be moving.' That is helpful also from the point of view of the other side, because if he is going to make amendments that we agree, Mr Speaker, we can take them as read and we can include them in any proposed amendments that the House sees.

1115 Yes, of course I will give way.

**Hon. D J Bossino:** Mr Speaker, I am grateful to the Hon. Chief Minister for giving way.

1120 In fact, my limited experience of doing this in this House over the last year and a half has been in relation to legislative initiatives which have been taken by the Hon. the Minister for Tourism, and that is in fact the way that we have done it, where I have suggested amendments by e-mail and then we have discussed it. It was not possible in this case, precisely because, in fairness to the Government, I was advised about 10 days ago by the Hon. the Chief Minister that amendments would be coming my way and therefore, because I did not know what the nature of those amendments would be, I waited until I had sight of them, which was only yesterday afternoon, it was not yesterday evening, it was yesterday afternoon... that I was able then to have a fresh look at the Act and it was, I think, literally at the 11th hour that I would have had the opportunity to suggest the amendments. Just to clarify that point.



1130 But I am more than willing... In fact, I have done so before, and I am sure the Hon. Minister for Tourism will confirm that that is normally the way I like to deal with these things. I have said so in this House, across the floor of this House, and the hon. Members know personally, I think, this is the type of thing I certainly ought to be doing in as consensual a manner as possible, because I think ultimately it will serve the community better to achieve and obtain secure good law. It is as simple as that.

I am grateful to the Hon. Chief Minister.

1135 **Hon. Chief Minister:** And I am grateful for his remarks, Mr Speaker. He speaks of the spirit that I believe in, in particular in respect of legislation. Oh, I see the Hon. the Leader of the Opposition is laughing, it is clearly not the spirit he believes in.

1140 It is actually, Mr Speaker, the great unspoken truth of Gibraltar politics, to a very great extent, that this House works quite closely and quite well in terms of the way that we deal with legislation. Despite going at each other hammer and tongs on other matters, when it comes to legislation there has always been a very constructive spirit in the way that we have dealt with these issues, even where there are sometimes political differences across the floor of the House or policy differences as to what a piece of legislation should be doing.

1145 It is still possible to do an analysis of the way that the legislation is going to be passed to give effect to a particular policy and to say, 'Well, even though I do not share the policy, I do not think that this section does what you want it to do.' I do not take the view that you simply have to ignore a section if you are against the policy that it seeks to implement. We are also legislators and therefore law makers, and the quality of the law that emerges reflects on all of us, and I am grateful for his indication as to his attitude.

1150 Mr Speaker, the hon. Gentleman referred to pieces of the legislation that he did not like and that he was happy to see we were not progressing with. He referred to some parts of them as remarkable, and in fact we agree and therefore that is why we are withdrawing many of those parts of the legislation.

1155 I think he referred in particular to section 2(3), or clause 2(3). It is, in fact, even more remarkable that the previous backbencher – or rather the backbencher, the previous Chief Minister – actually pursued agreements without legislative cover to that effect. So, Mr Speaker, I will take it that they are putting clear blue and yellow water between themselves – especially given the Hon. the Leader of the Opposition's remarks – and the Hon. Sir Peter Caruana, although I am conscious of the fact that he is not here to defend his record, his legacy, and I think his *golden* legacy, which is even by them appearing somewhat tarnished.

1160 Mr Speaker, he says it is unconscionable to create retrospective offences. I think most lawyers probably do take the view that it is unconscionable to create offences retrospectively but that there are certain instances where it is possible, in strict statutory interpretation, to make retrospective offences. There were many instances in the past years when I was in Opposition that I made that point, and in some instances I was not successful in persuading the previous Administration not to make retrospective offences, and some of them were made not with the intention of retrospectively dealing with something that someone had done and creating an offence, but with the intention of putting the law on the statute book from a particular date and *prospectively* dealing with the matter.

1165 I still take the view, even from this chair, that that is highly unusual and that is why the rules on when you do that are very circumspect and we have to be very careful when we do that.

1170 I do not know that it is unconscionable, as long as it is done properly and it does not purport to criminalise today something that was done last week and to make that person or bring that person to a criminal account for that purpose.

We need to have a more open mind than we usually would, as defence counsel looking at civil liberties, when we look at these issues for legislative purposes. The instances when that may be relevant are not going to come very often, and I certainly hope that we will not have to bring such legislation again.

1175 I am grateful for him having spotted this one. As he knows, when he raised the point we have gone back, tried to understand why it was that officials wanted it done in this particular way, and been able to satisfy ourselves and him, I trust, from what he has said, that the way that we are going to deal with it actually now is much more in keeping with the view that he and I would take of what is an appropriate way of dealing with the creation of offences – which is always, where possible, prospective and not retrospective.

1180 If I can just look at one of the other references he made, which I think I marked... Yes, Mr Speaker, he made two points – one of them about special cases and the other one about the use of the word 'exceptional', and then whether or not section 3(5) should refer to 'shall' or grant more discretion. My point on this really comes back to the point that I was making to him at the very beginning, when we were talking about whether he and I ever thought that we would be looking at section 6(1) of the Pensions Act. In my view, this section is so crucial that it needs to have as much certainty in it as possible whilst giving an element of flexibility and discretion, but not a great element of flexibility and discretion.

1190 The draftsman who conceived this Act many many years ago – I think the original Act is 1961; I do not know whether there is an earlier incarnation, but I think 1961 is the real commencement of it – included the language of ‘special cases’ and now the language is proposed of ‘exceptional circumstances’. ‘Special’ and ‘exceptional’ do mean slightly different things, but the Government is satisfied that it is clear that they refer to very few cases indeed, in very particular circumstances.

1195 I think he and I will agree that there has to be such certainty in respect of the vesting of rights in respect of pensions – particularly this type of pension, which is the Civil Service pension – that we cannot have too much flexibility. That is why I think ‘shall’ is the right word to use in 3(5), and ‘exceptional’ is, in my view, a better word than ‘special’ because I think it tends to make clear that this is a discretion to be used sparingly, rather than just when something might be considered to be special.

1200 Mr Speaker, he referred to the Gibraltar Electricity Authority – a topical subject, if ever there was one, Mr Speaker – and his suggestion that it should be referred to as the Gibraltar Electricity Authority rather than just the Electricity Authority.

1205 I have had a quick look back at the rest of the Act. There are two other references. He said this himself, that there are two other references and that they refer to ‘Electricity Authority’. Therefore, if we were to accept his amendment, I think we would be perhaps undoing the language of the Act a little bit. But I think it may be possible to do so perhaps by including, in his amendment to include the word ‘Gibraltar’ in front of ‘Electricity Authority’... if we were also to add, at the end of that, ‘(“hereinafter Electricity Authority”)’. So in that way, by making the one amendment, we will, for the purposes of the whole Act, cure the other two references, and I wonder if he might want to consider that before we get to the Committee Stage.

1210 Mr Speaker, he made the point about the new section 6(1B) that it is proposed should be inserted – and that, I think, is 2(4) which creates the new sections 6(1A) and 6(1B) – that in the new section 6(1B) this idea of ‘it came to the notice of the Government’ should be in some way amortised so that if it came to the notice of the Government other than by somebody who has already brought it to the Government’s notice himself. I think because there is a cross reference there to (1A) – and there are two cross references there to (1A) – we think the section does that. In other words, section 6(1B) only applies to people who  
1215 have not given notice under section 6(1A) and there is a double cross reference there. He may want to consider that before moving his proposed amendment.

Mr Speaker, I think I have dealt with all the points that he raised of substance, and I think I have dealt with all the political points raised too, so unless he wants me to give way, I am quite happy to give way.

1220 **Hon. D J Bossino:** Yes, I am grateful to the Chief Minister.

In relation to the point that he has developed in connection with special cases and exceptional circumstances, can I ask the Hon. Chief Minister to clarify what the Government’s position is? Is there a proposal to make a legislative change in that regard? I do not quite follow or was able to capture from this side of the House whether he had reached a conclusion in relation to that.  
1225

**Hon. Chief Minister:** Mr Speaker, I think what I said was that I am happy with the way that the structure of special cases and exceptional circumstances works – exceptional circumstances, in particular, because it evidences that this is a power, a discretion, only to be used exceptionally. Therefore, I think that the language proposed works and the other language has worked since 1961, and that is why I think that we should not tamper with it.  
1230

Mr Speaker, having given way to the hon. Gentleman and now finished my address on the Second Reading, I commend the Bill to the House.

1235 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Pensions Act and related legislation be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Pensions (Miscellaneous Amendments) Act 2013.

1240

**Pensions (Miscellaneous Amendments) Bill 2013  
Committee Stage and Third Reading to be taken at this sitting**

1245 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and the Third Reading of the Bill be taken today, if all Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

1250

**Housing (Amendment) Bill 2013**  
**First Reading approved**

**Clerk:** A Bill for an Act to amend the Housing Act 2007 and for related matters.  
The Hon. the Chief Minister.

1255

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Housing Act 2007 and for related matters be read a first time.

1260

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Housing Act 2007 and for related matters be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Housing (Amendment) Act 2013.

1265

**Housing (Amendment) Bill 2013**  
**Second Reading approved**

1270

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move that the Bill for a Housing (Amendment) Act 2013 be read a second time.

Mr Speaker, this is a short Bill that is before the House and I move it because, quite coincidentally, the Minister for Housing lives in an affected hereditament and therefore he will be abstaining from voting on this Bill.

1275

Mr Speaker, section 10(1)(a) of the Landlord and Tenant Act, as originally enacted in 1983, applied part III of the Act to dwelling houses erected, and I quote:

‘on or before the first day of January 1945.’

1280

In 1992, section 10(1) (a) of the Landlord and Tenant Act was amended to bring in the rolling 45-year rule, so that the critical date was not 1st January 1945, but a date, and I quote again:

‘on or before 1st January of the year preceding by 45 years the 1st day of January of the current year.’

1285

This, in effect, meant that each year new buildings were within the protection afforded by the Landlord and Tenant Act and had their rents controlled.

Consequently, section 11A of the Landlord and Tenant Act was enacted, so that with respect to a dwelling house not being one to which part III applied, but which became one by virtue of section 10(1)(a) to which part III of the Landlord and Tenant Act applied, a new statutory rent was provided for.

1290

It thereby created a dual system of rent control – namely one where, firstly, dwelling houses erected before 1st January 1945 were subject to section 11 and the rent was calculated in accordance with schedule 1 of the Landlord and Tenant Act; or secondly, dwelling houses caught by the rolling 45-year rule, which had rents determined in accordance with the provisions of the Statutory Rent (Forty-Five year Rule) Regulations by the Rent Assessor.

1295

In 2004, section 10(1)(a) of the Landlord and Tenant Act was amended to bring an end to the rolling 45-year rule. It fixed the application of part III to dwelling houses erected on or before 1st March 1959. However, Mr Speaker, section 11A of the regulations should have been repealed concurrently with the amendment of section 10(1)(a) and the cessation of the rolling 45-year rule, since both became superfluous from that date.

1300

For some reason, Mr Speaker, section 11A and the regulations were not repealed. Consequently, there remained in existence two methods of calculating rents: the pre-1945 dwellings method and the dwellings built between 1945 and 1st March 1959 method.

Part III of the Landlord and Tenant Act was repealed by the Housing Act.

Section 40 of the Housing Act provides the following, and I quote again, Mr Speaker:

1305

40.(1) Subject to the provisions of this Act, this Part shall apply to dwellings but only to the following extent, namely—  
(a) it shall apply to every dwelling that has been erected on or before the 1st January 1945, provided that the rights exercised and thus accrued by a tenant before the 1st January 2007 under the former Act in respect of a dwelling that has been erected on or before the 1st March 1959 shall not be prejudiced and shall persist as if it were a tenancy to which this Part applied.’

1310

Section 40(1) of the Housing Act created one operative date only, which was 1st January 1945, section 40(8), for falling within the ambit of the Housing Act, but was stipulating that tenants who had

accrued rights, because of living in buildings erected between 1945 and 1st January 1959, would not be prejudiced and were to persist as tenancies to which part II of the Housing Act applied.

1315 The Housing Act, Mr Speaker, as commenced by Legal Notice 2008, No. 12, specifically provides the following, and I quote again, Mr Speaker:

1320 'In exercise of the powers conferred upon it by section 1 of the Housing Act 2007, the Government has appointed the 1st June 2008 as the day the Act comes into operation, except that sections 40 and 113(3) shall not be commenced for the following purposes, namely dwelling houses erected after the 1st day of January 1945 and before the 1st day of March 1959, for which purposes the provisions of section 10 and 11A of the former Act shall continue to apply.'

1325 By virtue of Legal Notice 2008, No. 12, Mr Speaker, sections 40 and 113(3) of the Housing Act were not to commence for dwelling houses erected after 1st January 1945 but before 1st March 1959, for which purposes the provisions of sections 10 and 11A of the Landlord and Tenant Act were to continue to apply.

1330 The purpose of the amendments contained in this Bill is to do away with this distinction, so as to place all buildings erected before 1st March 1959 in the same regime with regard to the calculation of rents. This is achieved by the changes in commencement contained in subclauses (2) and (3), which replace the commencement provisions in Legal Notice 2008, No. 12, and the changes to section 40 of the Housing Act 2007 contained in clause 2.

Mr Speaker, I commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

1335 I now put the question, which is that a Bill for an Act to amend the Housing Act 2007 and for related matters be read a second time. Those in favour –

**Hon. Chief Minister:** Mr Speaker, for the reasons I indicated earlier, may I call for a division on this vote?

1340 **Clerk:** The Hon. P J Balban.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I abstain from the vote.

1345 *The House divided and voting resulted as follows:*

FOR	AGAINST	ABSTAINED	NOT PRESENT
The Hon. J J Bossano	None	The Hon. P J Balban	The Hon. Sir Peter Caruana
The Hon. D J Bossino			The Hon. S M Figueras
The Hon. J E Cortes			The Hon. A J Isola
The Hon. N F Costa			The Hon. J J Netto
The Hon. Mrs I M Ellul-Hammond			
The Hon. D A Feetham			
The Hon. Dr J J Garcia			
The Hon. G H Licudi			
The Hon. S E Linares			
The Hon. F R Picardo			
The Hon. E J Reyes			
The Hon. Miss S J Sacramento			

1350 **Mr Speaker:** Does the Hon. Mr Costa wish to vote on the Bill? We regard him as yes. Very well. There are 4 Members absent, 12 Members have voted in favour, 1 has abstained. Carried.

**Clerk:** The Housing (Amendment) Act 2013.

1355

**Housing (Amendment) Bill 2013  
Committee Stage and Third Reading to be taken at this sitting**

1360 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

1365

**Nature Protection (Amendment) Act 2013**  
**First Reading approved**

**Clerk:** A Bill for an Act to amend the Nature Protection Act 1991.  
The Hon. the Minister for Health and the Environment.

1370

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time.

1375

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Nature Protection (Amendment) Act 2013.

1380

**Nature Protection (Amendment) Bill 2013**  
**Second Reading approved**

1385

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, this Bill is intended to amend the Nature Protection Act so as to ensure that within that Act's powers to make secondary legislation there is power to regulate by means of licensing fishing and diving in marine nature areas, as well as allowing for the regulation of dive operators, sports fishing operators, dolphin tour operators and fishing competitions.

1390

Mr Speaker, we are conscious of unregulated diving that has been going on around Gibraltar for years and also the need to ensure that there is proper control and regulation of all activities to do with the sea, including proper protocols to be followed when visiting dolphins in Gibraltar waters.

Clause 1 of the Bill contains the short title and the commencement provisions. The amendments are intended to come into operation on such day as is appointed by notice in the *Gazette* by the Government.

1395

Clause 2 contains the substantive amendments. The amendments to section 13 of the Act extend the power contained within the Act for the granting of licences by the Government, after consultation with the Nature Conservancy Council, to circumstances covered by secondary legislation. For example, Mr Speaker, at the moment there is no provision for licensing of fishing of any form, including recreational fishing, and this will allow this to be permitted.

1400

The amendment to section 18 in clause 2(3) transfers the power to make regulations for the protection of any area designated as a marine nature area in subsection (5) from the Governor to the Minister. Such regulations continue to be only possible to be made after consultation with the Nature Conservancy Council and it is the *only* section in the Act that had remained under the Governor, as opposed to the Government.

1405

The amendment in clause 2(4) inserts a new paragraph into section 18(5)(a), which makes provision for regulations prohibiting or restricting, either absolutely or subject to any exceptions, fishing – and in fact defines fishing, which is not currently defined in the Act – as well as defining the undertaking of a business as a dive operator, a sports fishing operator or a dolphin tour operator or undertaking a fishing competition within the specified areas.

1410

The amendment in clause 2(5) extends the reference to permits being issued to include the terms 'approval' and 'licence' so as to best describe what each particular document does.

Finally, the amendment in clause 2(6) takes this opportunity to correct an erroneous cross reference in the Act.

I commend the Bill to the House.

1415

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Leader of the Opposition.

1420

**Hon. D A Feetham:** Mr Speaker, the Opposition, at this stage – unless, having heard what I have to say in reply, either the Chief Minister or Minister Cortes persuades us otherwise and persuades us that what I am going to be saying is not correct – intends to vote against this particular Bill.

1425

It intends to vote against this particular Bill as a matter of principle, and the principle is this: that it is bad law, Mr Speaker, to effectively introduce a law that disapplies, by way of secondary legislation, obligations and prohibitions contained in primary legislation, therefore bypassing the requirement, obviously, that if you are going to disapply, which effectively is another way of saying that you are going

to amend the requirements in primary legislation... if you are going to do that, you ought to come to this House with *primary* legislation in order to ensure that that is properly debated in this House and that it is properly aired in Parliament.

1430 Mr Speaker, that point I am going to illustrate by looking at the principal Act. Now section 10, and by looking at the obligation or the prohibition in the principal Act that fishing with nets is disallowed or is not allowed in British Gibraltar Territorial Waters. If one looks at section 10 of the principal Act, 10(1) provides:

1435 'Subject to the provisions of this Act, if any person'

– paragraph (b) –

1440 'uses for the purpose of killing or taking any wild animal in self-locking snare, whether or not of such a nature or so placed as aforesaid, uses any seine net or gill net...'

– he then, effectively, is guilty of an offence. So, within Gibraltar Territorial Waters, fishing with seine or gill nets is prohibited.

1445 If we then look at section 13, which is a section that the Bill is seeking to amend... Section 13(2) provides that sections 8 and 10(1) and 10(2)... Section 10(2) in particular is the section that I have just referred to containing the prohibition in relation to the fishing with seine or gill nets, which are the type of nets that Spanish fishermen are fond of using in our waters. It says:

'Section 10(1) and 10(2) do not apply to anything done...'

1450 Then it lists a number of uses – for example, I will just read the first one:

'For scientific or educational purposes;'

1455 – so it allows the use of those nets for scientific or educational purposes if it is done –

'under and in accordance with the terms of a licence granted by the Government after consultation with the Nature Conservancy Council.'

1460 In subsection (2) there are various paragraphs from (a) to (e) and they all relate, effectively, to the use of nets for some scientific... or, for example:

1465 (b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;  
(c) for the purpose of conserving wild animals or wild plants or introducing them to particular areas;  
(d) for the purpose of preserving public health or public safety;  
(e) for the purpose of preventing the spread of disease'

1470 What the Government is trying now to do, via this amendment, is to introduce a further, effectively, exemption to section 10 and to other sections – I am just using section 10 to illustrate the point that I am making; an exemption for such other purposes as may be prescribed by regulation. That entitles the Minister to effectively, by regulation, introduce a regulation which disapplies the prohibition on the use of gill nets and seine nets in British Gibraltar Territorial Waters, provided that it is done in accordance with a licence granted by the Government after consultation with the Nature Conservancy Council.

1475 We think that is wrong. We think it is wrong as a matter of principle. We think it is also wrong given the fact that this is an important issue for Gibraltar.

1480 If the Government intends and I will come back to the questions of intention in a moment, but if the Government... Actually, I will use a different word to 'intention'. If the Government seeks to give itself the power, as it is clearly giving itself the power, to disapply or to allow the use of nets in British Gibraltar Territorial Waters, provided that there is a licence granted by the Government, well, that ought to be introduced in this House by primary legislation so that we can all debate it and we can see where the Government is going with this.

1485 I know that the Hon. the Chief Minister has said, in previous exchanges that we have had across the floor of this House, that that is not the intention; but of course there are two points that I make about that. The first point is that a Government's present intention may not be a Government's *future* intention; and the fact that the Government does not intend to use this power in order to do what I have just described, does it mean that a future Government, or in future *this* Government, is not able to do so? In any event, as a matter of principle, it ought not to be able to do so unless it comes to this House and seeks to amend the principal Act by way of primary legislation.

Mr Speaker, the second point... and I know that the Hon. the Chief Minister is feeling in a particular acerbic mood this morning, and we have seen that in exchanges or in comments that he has made in

1490 relation to the previous Bill. Then again, he has the propensity, with respect to him, to cause an argument  
in an empty room, but given the fact that the way that the Government and the Chief Minister has  
comported itself over the last few weeks in relation to the answering of Questions that we have had in this  
Parliament, in the light of the way that the Chief Minister himself has defined the term ‘transparency’ in a  
1495 recent interview, in which he defined it well... ‘Transparency does not mean that we have to give *all* the  
information’, or words to that effect.

We are, quite frankly, as an Opposition, not prepared to give *this* Government the benefit of the doubt  
and vote, even if we were inclined to do so – and we are voting against it on principle, but even if we  
were inclined to do we are not prepared to give this Government the benefit of the doubt that it is not  
going to try and use these amendments introduced by this Bill in order to, in the future, introduce a  
1500 regime that allows Spanish fishermen to fish in British Gibraltar Territorial Waters under some form of  
licensing regime (*Interjections*) without coming to this House, debating it in this House and providing the  
reasons in this House so that there is a full and proper debate of the issue in this House.

For all those reasons, Mr Speaker, the Opposition will be voting against the Bill.

1505 **Mr Speaker:** Before I call on the mover to reply, does any hon. Member wish to speak?

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, not in any acerbic tone, but in a constructive  
tone, because we are dealing with legislation – although I must say that I do not think Mr Bossino has got  
any cause for suggesting that I have been acerbic in any of the matters that I have dealt with with him this  
1510 morning, although it appears that one of somebody’s parts is made of hay – but never mind – as the  
saying goes in Spanish.

Mr Speaker, those who accuse me of being acerbic might want to ask themselves why it is that, since  
they arrived in Gibraltar at the early part of the last decade, they have managed to have an argument and  
fall out with most of the people they have stood with in politics – and he is no doubt on a fast track to  
1515 have another argument with some of the people he is standing with politically.

Actually, Mr Speaker, just before I launch into my legal analysis, I will tell him this for nothing: when  
I met him, Mr Speaker, in the early part of that last decade, he was a man in a hurry with no patience.  
**(Hon. D A Feetham:** Will the hon. Member give way?) Now, Mr Speaker, he is an also run: in a hurry  
and still with no patience. But anyway...

1520 Mr Speaker, it is very strange that the hon. Gentleman has said repeatedly in the press and in this  
House that if we were to bring legislation to deal with the issue of fishing to, in effect, allow fishing with  
nets, which is what their agreement did, they would support it. He said this repeatedly. It is in *Hansard*  
and I know that he hates the fact that the proceedings of this Parliament are recorded and what he says  
one day is there to be looked at on the next day, but he has said that repeatedly.

1525 Mr Speaker, those who watch the news programmes will know that he has said the same thing in  
interview. He has said repeatedly, ‘If the Government brings legislation to this House to allow fishing  
with nets to, in effect, give a statutory regime that does what the 1999 Fishing Agreement, that I am now  
so enamoured of, in our law, I will support it.’ He has said that repeatedly.

I am not going to give way at all, Mr Speaker, so he had better just let me get through what it is that I  
1530 have to say.

Well, Mr Speaker, we do not believe that this Bill does that and he has reflected the fact that I have  
said in other interventions that the Bill that is before the House today does not do that. It does not create a  
regime to allow Spanish fishermen to fish with nets. His analysis is, ‘Well, the Minister *might* have the  
power in these regulations to create such a regime.’ Mr Speaker, we are telling him that this is not the  
1535 intention of the legislature today. This is not what we are doing.

He is saying, ‘It may not be your intention today, but you could do it tomorrow.’ Well, look, Mr  
Speaker, *they* could do it tomorrow. If there were an election – and perish the thought they might win it –  
then with their analysis of the powers, *they* might be able to create fishing with nets. But, Mr Speaker, let  
me just be clear with our community: that is *not* what the Government is legislating for today. We do not  
1540 see this Bill as granting us the power to do that, although on his analysis he takes the view that it does.

Mr Speaker, let us be clear what it is that he is going to vote against. The GSD – the new GSD – is  
going to vote *against* regulating diving in our waters, which causes *huge* problems for people who use our  
beaches – in particular, Rosia Bay and Camp Bay. They are voting against regulating that because that is  
what this Bill is about. They are voting against the licensing of those who go out to see dolphins and use  
our environment for the purposes of a business, something which is going to have to be regulated because  
1545 the environment needs to be protected. The new GSD is voting against that; and, Mr Speaker, they are  
voting against that on the most remarkable premise.

The idea that the Hon. the Leader of the Opposition has just set out that it is bad in principle to  
disapply primary legislation by secondary legislation – in other words, where a law says, ‘You cannot do  
1550 this unless you are allowed to do so by regulation’, that is bad law. Mr Speaker, in that case, I now fully

understand why he got up before and said, 'We are not bound by the legislation made by the previous GSD. We are not going to insist that it be seen as good legislation.'

1555 Why, Mr Speaker? Because under the GSD Administration for 16 years there have been *thousands* of instances put into our *Corpus Juris* of exactly that type of legislation – and under the GSLP before then, and under the AACR before then, and under the Conservatives in Westminster now, and under Labour in Westminster before then – because this is the most common way in which the legislature creates a prohibition and sets out the possibility of a regulated regime by which people can bring themselves within compliance of the legislation, enabling them to do that, which is primarily preventive.

1560 Mr Speaker, this is such a common legislative device that for a man who has been Minister for Justice to say that it is bad in principle really makes me wonder what it is that he got up to for the four years that he held that post. I have some ideas, Mr Speaker, and perhaps others will know soon too what it is that he was up to whilst he was holding the prestigious office of Minister for Justice.

1565 But Mr Speaker, if it were wrong, if it were wrong, as a legal analysis, it is certainly ridiculous for him as a political analysis.

1570 Let me explain, Mr Speaker, to those in our community who are listening – or watching, Mr Speaker – why. You see, Mr Speaker, the regime that *he* has defended and which took effect in 1999 was that we had a primary piece of legislation – the one he has just looked at, section 10 of the Nature Protection Act – which was *disapplied* and *undermined*, not by a legislative Act, a secondary legislative Act regulations, but by an agreement. (*Interjection*) *An agreement*. In other words, the grubby Agreement of 1999, with the grubby signature of the then Chief Minister, that said to a *few*: 'Section 10 doesn't apply to you, mate. It applies to all of my citizens, but it does not apply to you by dint of your place of residence and the colour of your passport.'

1575 Well, Mr Speaker, if he had got up and said, 'I am not just putting distance between myself and the GSD when it was in government as a legislative body...' – in other words, 'I don't just *not* support any more all of the laws done in the past 16 years,' which is what he said this morning. If he had said, 'I, myself, Chief Minister, have got it wrong in my criticism of your Government in the past 18 to 19 months in everything I have said, calling on you to go back to the 1999 Agreement and insisting that you should have continued the 1999 Agreement before you put in place a new regime'... If he had got up and said that, I would say the road to Damascus is longer than I thought.

1580 But, Mr Speaker, he has not said that. He has still insisted on his pernicious attack on the Government because the Government wants the rule of law to be respected and the laws of Gibraltar to be respected to the full territorial extent of Gibraltar, including section 10 of the Nature Protection Act, and he has got up and said as a matter of principle it is bad law for a piece of secondary legislation to derogate from a prohibition in a primary piece of legislation. Well, he is wrong about that as a matter of law, Mr Speaker, and there are thousands of laws that speak to that.

1585 But he is so *wrong*, Mr Speaker, as a matter of fact and as a matter of politics, that it is remarkable that there is in this community today a Leader of the Opposition, who is able to say in one moment, 'You should restore the 1999 Agreement,' – which by agreement disapplies section 10 of a law made by this Parliament to a select group of people – 'but it is absolutely unacceptable for you to do, by legislation in the established way, by secondary legislation of regulations, a regime that creates an exception to a primary piece of legislation's offence.'

1590 Mr Speaker – and this is what really worries me; it worries me considerably – if that is the tenor of the political debate, then we have got a serious problem in our community, because it is harder to argue with somebody who does not know what they are talking about than it is to have a disagreement with somebody who also knows what they are talking about but takes a different interpretation.

1595 On the Savings Bank, on whether we issue press releases and what press releases we issue, on all of those issues, Mr Speaker – and now, remarkably, on this issue – we have the serious problem in our community that the man who steers the Opposition's ship does not appear to be able to base his arguments on established legal principles, or even to reflect his previous statements, because – and I remind everybody who may be listening to this debate – this is the same Leader of the Opposition who said, 'If you bring amendments to the legislation to allow fishing with nets, we will support it.' Now he says that this amendment may potentially allow fishing with nets and therefore he does not support it, because it does not say on the letter of it that this allows fishing with nets. Well, Mr Speaker, he should have said, 'If this is intended to allow fishing with nets and you confirm that to me, I will support it, because I have said that I will.'

**Hon. D A Feetham:** Will you give way?

1610 **Hon. Chief Minister:** No, I certainly will not, because I still have not finished teaching you the lesson that you need taught! (*Laughter*)

But, Mr Speaker, it is worse even than that because he appears not to have understood the impact of his own remarks previously. He has confirmed that *his* policy, the policy of *his* party, is that it is possible



1615 to derogate from primary legislation by way of agreement. Now that, Mr Speaker, drives such a coach and horses through the principle of the rule of law that it becomes difficult to see how he could discharge the functions of Minister for Justice – let alone one day, as he wishes, the functions of Chief Minister – because in effect he is saying, ‘I do not accept that the Minister can create a caveat to a primary obligation, but I do believe that it is proper and appropriate and not against legal principle for a Minister to create an agreement that creates a caveat to legal principle and published in the *Gazette* with none of the requirements of legislation.’

1620 Mr Speaker, this is just, in my view, absolutely the most *dangerous* approach that we have ever seen to the potential administration of our affairs by any potential or proposed alternative Government, and the community needs to understand it.

1625 Mr Feetham, the Leader of the Opposition, is saying that the oversight of the regulation-making process – which is that the power is given by the House that the regulation is created by the Minister; it is published in the *Gazette* – it is visible for everyone to see; it is challengeable in this House by a motion by them, Mr Speaker, and it is challengeable in the Supreme Court – is in principle wrong, despite hundreds of years of practice, but he supports the principle that our legislation should be subject to caveat by agreement. In other words, I create a law tomorrow, a particular regime covering import duties. I have a friend in Main Street who says to me, ‘I would not like that to apply to me’, and I, as a new GSD Chief Minister, as he would be, say: ‘Don’t worry, mate. Here is an agreement that that particular import duty does not apply to you.’ That is the regime that the hon. Gentleman is defending: the law does not apply to people with red hats because I signed an agreement with people with red hats.

1630 Mr Speaker, he needs to go back and review the introduction to law that he might have been given when he started to study that subject, because what he has said is so dramatically contrary to the rule of law and to the established principles of democracy that I think he has highlighted for all of us the potential danger of him ever being once again in a position of authority in our community.

1640 **Mr Speaker:** Does any other Member of the Opposition wish to take part in the debate? No? I will call on the mover to reply.

**Hon. D A Feetham:** I cannot respond?

1645 **Mr Speaker:** No, you cannot. Surely, the Hon. the Leader of the Opposition is aware that the general principles and merits of the Bill only allow for one intervention, unless a Member gives way.

**Hon. D A Feetham:** I fully accept that. I have asked him to give way twice and he has not given way to me so I accept that.

1650 **Hon. Chief Minister:** If I might, just on a point of procedure?

One gives way during the course of a debate on a Bill on a point to deal with something to do with the legislation, not to have a debate which is untrammelled by the Rules of Parliament. The Rules give us all one opportunity to speak and we can come in on one point, but this is not a question of just ‘please give way so we can continue the argument.’

1655 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman is now clairvoyant, as well as being Chief Minister. He does not know the point that I was going to make, so I do not know how he can say that without knowing what I was going to say.

1660 But I have asked him twice for him to give way and twice he has refused. It is probably one of the few occasions that I have heard a Chief Minister not giving way (*Laughter*) when he has been asked to give way, but it is up to him. (*Interjection*) At the end of the day, (*Interjection*) when he has asked me to give way –

**Hon Chief Minister:** A Point of Order, Mr Speaker.

1665 **Hon. D A Feetham:** Well, may I?

1670 **Mr Speaker:** No. As far as I am concerned, as the person who is supposed to apply the Standing Rules and Orders which the hon. Members provide me with, giving way is not to be used in order to perpetuate a debate. That is not the purpose of the exercise. (*Interjection*) Okay? In any case, in committee the situation is different: in committee you can come and go. Right?

But those are the rules and really we need to apply them. This is what I am here for. If a Member who holds the floor does not want to give way, he does not have to. So unless any other Member of the Opposition wishes to contribute to the debate, I think I will have to ask the hon. mover to reply.

1675

**Hon. Dr J E Cortes:** Thank you, Mr Speaker.

I do not have a great deal to add to the contribution already made by the Chief Minister.

What I think I must make clear is that the main purpose of this amendment is to allow the Government to make regulations to control activities which have an impact on the marine environment.

1680

These regulations have been long called for by the community that uses the sea. They were the main thrust of the famous Red Line campaign by the Gibraltar Federation of Sea Anglers in 2010-11. They are the subject of representations from users of the sea regarding unregulated diving, unregulated rod fishing and other unregulated activities that large sectors of the community have been calling for.

1685

The main thrust of this amendment, I repeat, Mr Speaker, is to allow the Government to regulate in that way. I can give an assurance now to this House, and indeed to all those listening and watching, that the regulations, which are now imminent because this amendment will allow me to introduce shortly, do not in any way allow commercial fishing by nets. I would like to reassure you that the regulations that are currently, as I say, imminent, do not provide for that but provide for the matters that I have already listed. In my original contribution, I mentioned what this was for: to regulate fishing, local fishing; to regulate diving, dive operations; and, for example, the regulation of dolphin vessels which are a potential problem and are not regulated.

1690

I can add also that all the relevant stakeholders – including the Federation of Sea Anglers, including divers, including operators of dolphin and of recreational fishing boats – have been consulted and their representations, as well as the Nature Conservancy Council as the statutory adviser, have been consulted in these regulations, which I repeat do not include the net fishing that the Hon. Leader of the Opposition (*Interjection*) –no, Mr Speaker – has been referring to.

1695

I must add also, Mr Speaker, that one of the things, for example, that section 10 does not allow is any licence for fishing for recreational and competition purposes, and this is the sort of thing that I certainly do not think has to come back to the House if a licence has to be given.

1700

Therefore, Mr Speaker, having said all that, I feel that this is a Bill that will provide us with the instrument to be able to properly manage our marine environment in the way that we are committed to. In the way that we committed ourselves to when we published the Fishing Report. It is part of our marine strategy. It has been a long time coming and I have no hesitation to commend this to the House. (*Banging on desks*)

1705

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Nature Protection Act be read a second time. Those in favour? (**Government Members:** Aye.) Those against? (**Opposition Members:** No.) Carried.

1710

**Clerk:** The Nature Protection (Amendment) Act 2013.

1715

**Nature Protection (Amendment) Bill 2013  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1720

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

1725

**COMMITTEE STAGE**

**Pensions (Miscellaneous Amendments) Bill 2013  
Housing (Amendment) Bill 2013  
Nature Protection (Amendment) Bill 2013**

1730

**Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Pensions

1735 (Miscellaneous Amendments) Bill 2013; the Housing (Amendment) Bill 2013; and the Nature Protection (Amendment) Bill 2013.

*In Committee of the whole Parliament*

1740

**Pensions (Miscellaneous Amendments) Bill 2013**  
**Clauses considered and approved**

1745 **Clerk:** A Bill for an Act to amend the Pensions Act and related legislation.  
Clause 1.

**Chief Minister (Hon. F R Picardo):** Mr Chairman, there is a letter that hon. Members have received, which I think they have a copy of, which deals with the proposed amendments.

1750 There is a proposal to delete clause 1(3). During the course of my intervention earlier, and based on the very convivial discussion that I had with Mr Bossino, there is also a proposal to take out the final phrase of clause 1(6), which is the reference '1 June 2009', and include the words 'the date of publication' in place thereof.

1755 **Hon. D J Bossino:** 'On the date of publication', presumably?

**Hon. Chief Minister:** The word 'on' is already there, and that is why I would only delete '1 June 2009' and include the words 'the date of publication'.

1760 **Hon. D J Bossino:** I removed it myself, incorrectly.

**Mr Chairman:** Are all hon. Members agreed with these minor amendments? (**Members:** Aye.)  
Then clause 1, as amended, stands part of the Bill.

1765 **Clerk:** Clause 2.

**Hon. Chief Minister:** Mr Chairman, in the letter that I have caused to be sent to you there are three amendments to clause 2: the second point in the letter is to delete clause 2(2); the third is to delete clause 2(3)(a); and the fourth is, for clause 2(5), substitute the new wording which is set out in the letter.

1770 I have spoken to all of these amendments in the course of my speech.

**Mr Chairman:** May I suggest that we move the first two, which are very very straight forward, because then the Chief Minister will have to read through the third one, which is longer.

1775 **Hon. Chief Minister:** Mr Chairman, I am happy to move the deletion of clause 2(2) and the deletion of clause 2(3)(a), which I understand enjoy the support of the Opposition.

**Mr Chairman:** Do all hon. Members agree that these minor amendments should be approved? (**Members:** Aye.) Carried.

1780 **Hon. Chief Minister:** Then, Mr Chairman, there is this new clause 2(5), which substitutes section 8 of the Act. It is set out in the letter that I sent yesterday. Can I take that paragraph as read?

1785 **Hon. D J Bossino:** Mr Speaker, we may have gone beyond this provision, and I do beg your forgiveness if I did not raise it at the time. The provision which has been deleted is clause 2(3)(a)?

**Hon. Chief Minister:** No, that is the one further – You are going back?

1790 **Hon. D J Bossino:** Yes.

**Hon. Chief Minister:** Ah, right. Yes.

1795 **Hon. D J Bossino:** To 3 but I do have some amendments which I can offer to the other side in relation to 2(2)(4). Are we there yet, Mr Chairman, or have I jumped the gun?

**Hon. Chief Minister:** Can I just invite him to look at 2(5) so we get that one in, and then come back with his proposed review of 2(3)(a) and (4)?

1800 **Hon. D J Bossino:** Okay.

**Mr Chairman:** Are hon. Members agreed? Do they agree to the amendment to 2(2)(5) as moved and as by the Chief Minister in the terms that the Chief Minister has given notice in writing? (**Members:** Aye.)

1805 Now we come back to 2(2)(4)?

**A Member:** Just 2(4).

**Mr Chairman:** If there is an amendment, I have not had sight of it.

1810 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** I understand it is 2(4), not 2(2)(4). It is 2(4).

**Hon. D J Bossino:** Yes, Mr Chairman, it is 2(4).

1815 I go back to what I suggested during the course of my intervention, which is that perhaps we should have certain days within which people are given the opportunity to notify the Government following the obtention of employment.

1820 My suggested wording, Mr Chairman, is that... If I can read from the fifth line down, which starts 'shall notify', it would read 'shall notify the Government in writing that he has taken up further employment', and I would add 'within [...] days of taking up such employment', and then 'or within [...] days from the date of entering into the operation of this Act, as amended by this Act, in the event that the officer is in employment on such a date.'

1825 So that would deal with persons who are, on the dates of publication, on the dates of coming into operation of this Act, already in employment and gives them some time to notify the Government – or is that...?

**Hon. Chief Minister:** Mr Chairman, can I say to him that, for the reasons he and I have been debating, we have looked at this in a *lot* of detail, and every word in respect, in particular, of these clauses, has effects. We think this has the required effect and deals with those points.

1830 It is a very technical piece of legislation. I note what he is suggesting is intended to try and clarify it, but I do not think we would be very successful if we tried to put the whole of the Pensions Act or even just section 6 in plain English, and so can I persuade him that this language, because it has been tested by officials and given a lot of consideration, should be the one that we stick with for now?

1835 If he thinks it is an important point and he wants to write to me and suggest that we bring another amendment on that point, I am happy to pass that on to the officials for them to consider; but – and the Hon. Minister for Justice can tell him – it has been like sweating blood to make sure that the language works in accordance with the technical requirements.

1840 **Mr Chairman:** I suggest that these are highly technical matters and the Hon. Mr Bossino has not formally given notice of a written amendment to incorporate it, and I do not think that that can be done therefore at this stage.

Surely, if he writes to the Government expressing in detail his views, it can be looked at technically by the officers and it should not be that difficult for the Government at a subsequent date, if it so wishes, to incorporate any of those amendments in a new Bill. Is that agreed?

1845 **Hon. D J Bossino:** Mr Chairman, I derive comfort from the words of the Hon. the Chief Minister in relation to this. I am very much used to dealing with the LSU in relation to this and they do tend to receive e-mails from me, in my professional capacity, in relation to stuff that I come across in legislative measures like this, and so I will be writing.

1850 **Mr Chairman:** Clause 2 then, as amended, stands part of the Bill.

**Clerk:** I thought there was another amendment: clause 2(8).

1855 **Hon. D J Bossino:** Exactly that Mr Chairman, the Clerk is absolutely right. It is a point that was made by the Hon. the Chief Minister in relation to the word 'Gibraltar' before 'Electricity Authority', and he had a solution to add the words, after 'Electricity Authority', '(hereinafter referred to as "Electricity Authority")' so that it impacts on the rest of the principal Act as well.

1860 I am not sure whether that would in fact work, because in order to do that it would require the first reference to the Gibraltar Electricity Authority and I am not sure that that is the case here; but again it is a point that I can raise in correspondence with the officials and they can deal with it then, and then the Government can present an amendment in the future.

**Hon. Chief Minister:** Mr Chairman, I am grateful if he would do it that way.

1865 I tried to accommodate his point by suggesting this inclusion of the 'hereinafter...' The Hon. Minister for Justice says we should not even put 'hereinafter', just '(“Electricity Authority”)', as we would in a letter to each other; but although we could do it that way, it may be that we are upsetting the apple cart because this is the not the first reference.

1870 So I am quite happy for him to write in, and he knows that if there are typographical errors in legislation they can be resolved by the LSU. Even after a Bill has passed through here there is that convention. This is not strictly typographical, but we do upset the structure of the Act as it is; but if he wants to move it, I was going to support it as I suggested. If he writes, I am also happy for them to look at it in detail.

1875 **Mr Chairman:** So we are still on clause 2?

**Hon. Chief Minister:** Mr Speaker, I think what has happened in effect is that Mr Bossino has agreed not to move the amendment to clause 2(8) but to include it in his letter, and therefore I think you can take it that your earlier call for section 2 to stand as amended stands and we can move to clause 3.

1880 **Mr Chairman:** Clause 3, then.

**Hon. Chief Minister:** Mr Chairman, in the letter that I circulated there is an amendment by the substitution of clause 3(2), which from his speech I understand the hon. Member was also supportive of.

1885 **Mr Chairman:** Does any hon. Member wish to speak to this amendment in Committee? No.  
In that case –

1890 **Hon. G H Licudi:** Mr Chairman, in relation to clause 3, which is where we are, just a couple of points on that separate from the proposed amendments.

1895 One is just for information or clarification purposes, because clause 3 starts... or the heading is 'Amendment to Pensions Regulations', and I should say that there is not a subsidiary legislation called the 'Pensions Regulations' themselves. They are actually incorporated in the Act. They are a schedule to the Act, which includes the pensions regulations. So any reference in this Bill to the pensions regulations means the pensions regulations as contained in the schedule to the Act. That is just for clarification and for the record.

The second point, which may be a more substantive point, is in relation to clause 3(3)(d), which starts:

'After paragraph (3) insert –'

1900 – and then the next paragraph starts '(5)', which on the face of it looks a little bit odd that after paragraph (3) insert (5). Having looked at the regulations, there is a paragraph (4), but beside paragraph (4) it says 'revoked'.

1905 **Mr Chairman:** Revoked, yes. You are moving that (5) should become (4)?

1910 **Hon. G H Licudi:** No. Paragraph (4) remains as revoked, because that simply says that originally there was a (4), which was revoked; but it would not make sense to have (3) then (5), then a reference to (4) revoked, and therefore it should be after paragraph (4), even though there is no substantive paragraph (4) but just a reference to paragraph (4) having historically been revoked.

So perhaps for drafting sake it should simply refer to paragraph (4), but on the basis that it is paragraph (4), which is a revoked paragraph.

1915 **Hon. D J Bossino:** Mr Chairman, I think in effect what the Hon. the Minister for Justice is saying is that clause (3)(d) should read 'after paragraph (4) insert' – is that correct?

**Hon. G H Licudi:** Yes, that is the position.

1920 **Mr Chairman:** Is that agreed to?  
Now the amendment which has been circulated in the name of the Chief Minister to clause 3(2), are all Members agreed? (**Members:** Aye.) Carried.  
Clause 3 as amended stands part of the Bill.

1925 **Clerk:** Clause 4.

**Hon. Chief Minister:** Mr Chairman, in the letter I have circulated there is a minor amendment to clause 4 to delete the words 'or (3)', which I think the hon. Gentlemen have seen from the circulated note.

1930 **Mr Chairman:** Are all Members agreed to the minor amendment, which was the sixth amendment in the letter circulated by the Chief Minister? Right, agreed.  
Clause 4 as amended stands part of the Bill.

1935 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

1940 **Housing (Amendment) Bill 2013**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Housing Act 2007 and for related matters.  
Clause 1.

1945 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2.

1950 **Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

1955 **Mr Chairman:** Stands part of the Bill.

**Nature Protection (Amendment) Bill 2013**  
**Clauses considered and approved**

1960 **Clerk:** A Bill for an Act to amend the Nature Protection Act 1991.  
Clause 1.

1965 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2.

1970 **Mr Chairman:** Those in favour? (**Government Members:** Aye.) Those against? (**Opposition Members:** No.) Stands part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

1975

**BILLS FOR THIRD READING**

**Pensions (Miscellaneous Amendments) Bill 2013**  
**Housing (Amendment) Bill 2013**

1980

**Nature Protection (Amendment) Bill 2013**  
**Third Reading approved: Bills passed**

**Clerk:** The Hon. the Chief Minister.

1985

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Pensions (Miscellaneous Amendments) Bill 2013, the Housing (Amendment) Bill 2013 and the Nature Protection (Amendment) Bill 2013 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

1990

**Mr Speaker:** I now put the question, which is that (1) the Pensions (Miscellaneous Amendments) Bill 2013, (2) the Housing (Amendment) Bill 2013, and (3) the Nature Protection (Amendment) Bill 2013 be read a third time and passed.

Those in favour of the Pensions (Miscellaneous Amendments) Bill 2013? (**Members:** Aye.) Those against? Carried.

1995

Those in favour of the Housing (Amendment) Bill 2013?

**Hon. Chief Minister:** Mr Speaker, for the reasons I indicated earlier, I call a division – with the Housing. (*Interjections*)

2000

**Mr Speaker:** Those in favour of the Housing (Amendment) Bill 2013? (**Members:** Aye.)

Mr Paul Balban is abstaining, very well. Carried.

Those in favour of the Nature Protection (Amendment) Bill 2013. (**Government Members:** Aye.) Those against? (**Opposition Members:** No.) Carried.

2005

**ADJOURNMENT**

**Clerk:** The Hon. the Chief Minister.

2010

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn *sine die* with best wishes to all its Members for a short but pleasant summer break.

2015

**Mr Speaker:** I now propose the question, which is that the House do now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*.

Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn *sine die*.

*The House adjourned sine die at 12:25 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 9.25 a.m. – 10.50 a.m.**

**Gibraltar, Thursday, 19th September 2013**

## The Gibraltar Parliament

5

*The Parliament met at 9.25 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

### PRAYER

*Mr Speaker*

## Order of the Day

10

**Clerk:** Meeting of Parliament, Thursday, 19th September 2013.

(i) Oath of Allegiance.

15

### CONFIRMATION OF MINUTES

**Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 18th and 25th July 2013.

20

**Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

*Mr Speaker signed the Minutes.*

25

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees; (viii) Answers to Oral Questions; (ix) the Order of the Day.



**BILLS**

**FIRST AND SECOND READING**

30 **Business Names Registration (Amendment) Bill 2013**  
**First Reading approved**

**Clerk:** Bills, First and Second Reading.

35 A Bill for an Act to amend the Business Names Registration Act.  
The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before I start to address the issues that arise in respect of this proposed amendment to the Business Names Registration Act, can I just acknowledge the fact that the Opposition have not asked Questions at this meeting of the House, as they are entitled to.

40 The Leader of the Opposition has expressed to me his understanding of the issues that affect Gibraltar today in respect of Spain, and in particular the actions being taken by that country at the Frontier and the efforts of the Government to deal with it, and has therefore asked his colleagues not to ask Questions, as he has not, to enable the Government to have more time to deal with international issues, rather than have to deal with Questions, which as he knows, having been a Minister, is a time-consuming issue for the  
45 Government.

Mr Speaker, the Business Names Registration (Amendment) Act, which I beg to move to be read for a second time... Sorry, I am on the wrong reading.

50 I have the honour to move that a Bill for an Act to amend the Business Names Registration Act be read for a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Business Names Registration Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

55 **Clerk:** The Business Names Registration (Amendment) Act 2013.

**Business Names Registration (Amendment) Bill 2013**  
**Second Reading approved**

60 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now have the honour to move that the Bill be read a second time.

65 The Business Names Registration (Amendment) Act seeks to bring... to rationalise, rather, the references to 'Minister' across the Act and the rules which are relevant in respect of business names. So this amendment Bill seeks to change the reference in the Business Names Registration Act, as it stands at the moment, from 'the Minister for Trade and Industry' to 'the Minister for Finance'.

70 The Business Names Rules currently refer to a Minister for Finance. The Rules had previously made reference to the Deputy Governor as the party that was relevant in respect of those Rules to make decisions. The Gibraltar Laws (General Amendment) (No. 1) Act had a schedule which made various amendments to various pieces of legislation where references which were relevant prior to the 2006 Constitution were changed to references that were relevant after the 2006 Constitution. Therefore, that Act amended the Business Names Registration Rules' references to 'Minister' to a reference to 'Minister for Finance'. That Act that General Amendment Act did not attach the Business Names Registration Act.

75 Members can see this, Mr Speaker, from – I made a copy for all Members, should they wish to follow what is going on – Members can see this from page 15 of the Gibraltar Laws (General Amendment) (No. 1) Act. Schedule 4, this is. It is just being passed round. This schedule was referred to in section 7 of that Act. The schedule says that it relates to amendments relating to references to the Deputy Governor. If Mr Speaker looks on the left-hand column, where there is a list of the legislation being amended, two from the bottom is the Business Names Rules. Rules 5 and Form 6 made reference to the Deputy Governor.  
80 That was replaced, by that Act, by a reference to the Minister responsible for Finance.

85 Mr Speaker, we therefore now have a situation where the Act refers to the Minister for Trade and Industry and the Rules refer to the Minister for Finance. I think it is true to say that the absence of a Minister for Trade and Industry in my Government is what brings attention to the need to amend the Act, and therefore we are rationalising, by this amendment, the references to 'Minister' across the Act and the Rules, so it is the same Minister who has the responsibility under the Act as under the Rules.

Mr Speaker, I commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

90 **Hon. D A Feetham:** Mr Speaker, the Opposition will be supporting the Bill, and indeed my Hon. and Learned Friend, Mr Bossino, will be speaking on the merits of the Bill.

Mr Speaker, may I say a few words about what the Hon. the Chief Minister said before he commenced the... or rather on the First Reading of the Bill. The Hon. the Chief Minister and I have been political rivals now for the last 13 years. Some may describe us, at times, as bitter political rivals; but at  
95 times... at times when the national interest requires it, it is important to be able to set aside political rivalries in the greater public interest and in the interests of this community.

Whilst I am Leader of the GSD and whilst I am Leader of the Opposition, my Party will place the public interest and the interest of this community above its own narrow sectional interest, and that is why I felt that it was important, in this particular situation in which Gibraltar finds itself, for the Opposition to give the Government the necessary political space to be able to deal with the current situation in the current crisis. It would not have been in Gibraltar's interest for the Government to have been involved in an intense political battle at the same time as it was dealing with the current situation.

That does not mean, Me Speaker, that in the future there will not be a debate about political responsibility and political accountability for the current state of affairs, but that is something for the future and not for now. In that context, all I wish to say is – perhaps using a phrase that the hon. Gentleman and myself have used on many occasions in another professional capacity – all rights are reserved.

110 **Hon. D J Bossino:** Mr Speaker, dealing with more boring matters – the Business Names Registration Act and the amendment moved by the Hon. Chief Minister thereof – Mr Speaker, yes, the Opposition will be supporting the amendments.

The Hon. the Chief Minister has received from me – in fact, only yesterday – certain representations, and I will give him notice of the concerns that I have had in relation to the amendments being moved this morning. I think he has addressed the concerns that I put to him in the explanation that he has just given  
115 us across the floor of the House and which he gave me brief notice of before we walked into the Chamber, and I am grateful for that.

The only point I would make to him is that – I note in schedule 4 to the General Laws (General Amendment) (No. 1) Act, and he explains it as such – the legislation which was amended were the regulations passed under the Act and not the principal Act itself, so that we have a change to 'Minister with responsibility for Finance', which traditionally, and that currently is the case, is a responsibility handled by the Chief Minister himself. The only administrative point that I would make is, given that he has had to move an amendment to the principal Act and therefore undergo the administrative hassle which that entails in bringing it to this House – which, of course, from the Opposition benches we welcome because it gives us an opportunity to analyse it and debate it across the floor of this House –  
120 whether he would consider changing the responsibility to some other relevant Minister – perhaps the Hon. Mr Costa, who has responsibility for this type of thing, or indeed the Hon. the Minister for Financial Services, Mr Isola – as being more appropriate ministerial responsibilities which will deal with matters such as... For example, the Hon. the Chief Minister will now have to deal with matters under section 16 of the principal Act – appeals from persons who are aggrieved by misleading business names, and things  
125 of that nature.

130 That is the only point that I would make from the Opposition benches, Mr Speaker.

**Mr Speaker:** Does any other hon. Member wish to speak on the Bill?

135 **Hon. Chief Minister:** Mr Speaker, let me start by addressing the remarks of the Leader of the Opposition. He knows that I have been very keen, from the moment I was elected, to create a body akin to the Privy Council in the United Kingdom. This gave us an opportunity to create such a body, and he and I have been communicating, as he has said, on Privy Council terms since we started this process of the Government briefing the Opposition. I know that he will welcome that, as he has. This is quite a  
140 departure for Gibraltar. It is not something that has happened before; it is certainly not something that happened under the previous administration, even when Gibraltar was faced with an equally problematic issue of joint sovereignty.

I think that it is right that we should, in these situations, communicate together on Privy Council terms, even if it is – to coin a phrase that he and I would use in another profession – without prejudice to what may come later. The Government is delighted that there may be more to come later – and that the hon. Gentleman has reserved his rights – because, as we are sure of our ground and have moved very  
145 carefully to ensure that we have acted properly, legally and responsibly and reasonably at every turn, we

shall very much look forward to the debate when it comes, if they decide that it is in their political interest to launch it.

150 But for now, Mr Speaker, I think it is right that we should not be at daggers drawn and that we should be working in this process where the Government briefs the hon. Member on Privy Council terms. I have told him, during the course of our discussions – and I am sure he will not mind me sharing with the community as a whole – that I think it is important for us to formalise the process and to set up a Privy Council for Gibraltar in more lasting terms, so that these opportunities for briefings can continue and should outlast this administration.

155 Mr Speaker, dealing with the issues that Mr Bossino has raised, is he saying that this Chief Minister is taking on responsibility for too many things across the board? I am sure he is not, because he knows what the repost to that would be.

160 The important issue here is to rationalise the legislation. I do not discard that, having rationalised the legislation, it may be that in the future we change which Ministry deals with these issues, but we would do it across the board. I think the error that crept in, in 2007, was to make an amendment to only part of the legislation. The Rules require already for the Ministry of Finance to be involved, the Ministry that is now taking the responsibility under the Act, as well. If that is not the right Ministry or if there are some arguments why it should be the right Ministry, then the whole of the responsibility, in my view, should be moved at one time to another Ministry.

165 For now, this is a process of rationalisation. I am advised that there are not many instances where business names issues go to appeals or anything like that. He should know that already the Chief Minister of Gibraltar deals with issues relating to the name ‘Gibraltar’ being used in company matters. That those are all referred for public policy issues to the Ministry for Finance and to the Chief Minister, so there is already historical involvement in those issues, but I am grateful for the support to rationalise, across the Act and Rules, the references to the relevant Ministry.

170 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Business Names Registration Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

175

**Clerk:** The Business Names Registration (Amendment) Act 2013.

180

**Business Names Registration (Amendment) Bill 2013  
Committee Stage and Third Reading to be taken at this sitting**

185 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

185

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

190

**Imports and Exports (Amendment) Bill 2013  
First Reading approved**

195 **Clerk:** A Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel.

The Hon. the Chief Minister.

200 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel be read a first time.

200

205 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

205

**Clerk:** The Imports and Exports (Amendment) Act 2013.

**Imports and Exports (Amendment) Bill 2013**  
**Second Reading approved**

210

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

215

This Bill amends section 64(d) of the Imports and Exports Act 1986 in clause 2 by removing the restrictions of the exemptions from import duty which previously applied to ships travelling outside Gibraltar of less than 250 gross registered tonnes. This thereby encourages the use of Gibraltar by yachts, pleasure craft and all other seagoing vessels as a refuelling point. The Bill implements the Budget measures with retrospective effect to the date the Budget measures were announced in Parliament, namely 24th June 2013.

220

Clause 3 of this Bill introduces consequential amendments to the Import Duty (Franchise) Regulations 1993 resulting from amendments made to the Act, as I have already referred to.

I commend the Bill to the House.

225

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel be read a second time. Those in favour? (**Members: Aye.**) Those against? Carried.

230

**Clerk:** The Imports and Exports (Amendment) Act 2013.

**Imports and Exports (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

235

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

240

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members: Aye.**)

**Traffic (Amendment) Bill 2013**  
**First Reading approved**

245

**Clerk:** A Bill for an Act to amend the Traffic Act 2005.  
The Hon. the Minister for Traffic, Housing and Technical Services.

250

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Traffic Act 2005 be read a first time.

255

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a first time. Those in favour? (**Members: Aye.**) Those against? Carried.

**Clerk:** The Traffic (Amendment) Act 2013.

260

**Traffic (Amendment) Bill 2013**  
**Second Reading approved**

265

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This Bill makes minor amendments to the Traffic Act 2005 following the introduction of the Traffic (Compulsory Basic Test) Regulations 2013, which, as from 1st September 2013, require persons seeking a learner's licence in respect of motorcycles to undertake a compulsory basic training course.

270 This Bill amends section 34 of the Traffic Act 2005 by providing for a new subsection (3A), which extends the period of validity of a learner's licence from three months to 15 months to persons who have been issued with a CBT certificate under the Traffic (Compulsory Basic Test) Regulations 2013.

I commend this Bill to the House.

275 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

**Hon. S M Figueras:** Mr Speaker, yes, I rise to speak on the merits and to say that this side of the House will be supporting the Bill as it is not a matter of controversy.

280 All I would ask the Hon. Minister to deal with in his reply is the length of time to which the validity has been extended as 15 months. One would extrapolate that the reason for this is essentially to make the process easier, the administration of the issue of learner's licence simpler, in that it is required every 15 months as opposed to every three months; but if perhaps the Hon. Minister is able to say anything more in respect of the reasons why this is being deemed necessary, beyond what he has already said in respect of the passing into law of the compulsory basic test requirements, I would be grateful.

285 But certainly we will be supporting this Bill.

290 **Hon. P J Balban:** Mr Speaker, the simple reason why the validity of a learner's licence has been extended to 15 months is that it makes it much more convenient for the learner driver, who has to go all the way down to the MoT every three months to renew his licence, and that does bring across problems when people forget to renew their learner's licence and are stopped by the Police, or whatever, and obviously, it is an issue. The 15 months ensures that the learner can drive, or learn, for the period of 12 months up to the date when he would be applying to pass his licence, which will be after the 12-month period; hence 15 months, so they do not have to renew – or should not have to review – in that period of time.

295 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Traffic (Amendment) Act 2013.

300  
**Traffic (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

305 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

310 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

315  
**Business Names Registration (Amendment) Bill 2013**  
**Imports and Exports (Amendment) Bill 2013**  
**Traffic (Amendment) Bill 2013**

320 **Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause: the Business Names Registration (Amendment) Bill 2013; the Imports and Exports (Amendment) Bill 2013; and the Traffic (Amendment) Bill 2013.

*In Committee of the whole Parliament*

**Business Names Registration (Amendment) Bill 2013**  
**Clauses considered and approved**

330

**Clerk:** A Bill for an Act to amend the Business Names Registration Act.  
Clause 1.

335

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2.

340

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

345

**Imports and Exports (Amendment) Bill 2013**  
**Clauses considered and approved**

350

**Clerk:** A Bill for an Act to amend, a Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel.  
Clause 1.

355

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2.

360

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 3.

**Mr Chairman:** Stands part of the Bill.

365

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

370

**Traffic (Amendment) Bill 2013**  
**Clauses considered and approved**

375

**Clerk:** A Bill for an Act to amend the Traffic Act 2005.  
Clause 1.

**Mr Chairman:** Stands part of the Bill.

380

**Clerk:** Clause 2.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

385

**Mr Chairman:** Stands part of the Bill.

**BILLS FOR THIRD READING**

390 **Business Names Registration (Amendment) Bill 2013**  
**Imports and Exports (Amendment) Bill 2013**  
**Traffic (Amendment) Bill 2013**  
**Third Reading approved: Bills passed**

395 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Business Names Registration (Amendment) Bill 2013, the Imports and Exports (Amendment) Bill 2013 and the Traffic (Amendment) Bill 2013 have been considered in Committee and agreed to without amendments, and I now move that they be read a third time and passed.

400 **Mr Speaker:** I now put the question, which is that (1) the Business Names Registration (Amendment) Bill 2013, (2) the Imports and Exports (Amendment) Bill 2013, and (3) the Traffic (Amendment) Bill 2013 be read a third time and passed.

405 Those in favour of the Business Names Registration (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Imports and Exports (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Traffic (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

410 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now recess to 3.00 p.m. this afternoon.

415 **Mr Speaker:** The House will now recess to 3.00 p.m. this afternoon.

*The House recessed at 9.50 a.m. and resumed its sitting at 3.05 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 3.55 p.m.

Gibraltar, Thursday, 19th September 2013

## The Gibraltar Parliament

5

*The Parliament met at 3.05 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

10

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

### BILLS

15

#### FIRST AND SECOND READING

#### **Criminal Justice (Amendment) Bill 2013** **First Reading approved**

20

**Clerk:** Bills continue.

A Bill for an Act to amend the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011.  
The Hon. the Minister of Education, Telecommunications and Justice.

25

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011 be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Criminal Justice (Amendment) Act 2013.



**Criminal Justice (Amendment) Bill 2013**  
**Second Reading approved**

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**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

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This is a Bill which amends the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011. In particular, the Bill amends Parts 6, 7 and 13 of the Crimes Act 2011 and Parts 2 and 29 of the Criminal Procedure and Evidence Act 2011.

45

Mr Speaker, this Bill allows the Government to fulfil two Manifesto commitments. We have a commitment to introduce protection from harassment provisions. Part 6 of the Crimes Act already contains some provisions for the protection from harassment. We are expanding these provisions to put Gibraltar legislation on a par with the UK on harassment. We are also creating new specific offences for stalking and stalking involving fear of violence, or alarm or serious alarm, or distress.

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We also have a Manifesto commitment to criminalise hate crimes. There are also presently offences in Part 7 of the Crimes Act dealing with religious or racial hatred. These are expanded upon in this Bill and include other forms of recognised hatred, namely hatred on the grounds of sexual orientation, disability and age. The Bill also introduces offences of harassment which are aggravated by one of the forms of recognised hatred as set out above.

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Furthermore, the Government has taken the opportunity of this Bill to introduce other amendments which we consider necessary to the Crimes Act and the Criminal Procedure and Evidence Act. Amendments to Part 30 of the Crimes Act are made – and these are the provisions which created the Sex Offenders Register – and these are included as a response to UK case law in this area. These amendments provide for the possibility of a review where someone is included on the register on an indefinite basis.

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Finally, Mr Speaker, there are also amendments to Parts 2 and 29 of the Criminal Procedure and Evidence Act. The amendment to Part 2 is in response to operational issues that the Royal Gibraltar Police have faced whilst investigating certain offences, whereas the amendments to Part 29 relate to the way in which amendments to the codes of practice under that Act may be made.

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I will take these amendments in turn as they appear in the Bill, starting with the Crimes Act 2011 and Part 6. Mr Speaker, Part 6 of the Crimes Act 2011 currently contains offences which provide for the protection of persons from harassment. The amendments in clause 2 introduce the new stalking offences which I have already mentioned and also bring our legislation in this area closer to that which currently exists in the UK. The amendments include changes to the way a course of conduct is defined. At present, a course of conduct requires harassment of the same person on at least two occasions. We are now also making provision for situations where a course of harassment is aimed at more than one person but each person is harassed once. A specific offence dealing with this is also included. This was introduced in the UK to deal with offenders who harass certain groups of persons due to their beliefs or employment – for example, animal rights activists or extremists harassing laboratory employees, or anti-hunting groups targeting participants in legal hunts – and even though these particular circumstances, those specific circumstances, do not arise in Gibraltar, there are other circumstances where this could actually apply: for example, the harassment of employees of a particular company or of a Government agency or Department, or the targeting of a particular family where two or more members of the family are individually subject to conduct which amounts to harassment.

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Mr Speaker, the new offences of stalking and stalking involving fear of violence or serious alarm or distress will be sections 92A and 94A of the Crimes Act. These mirror the offences in this area which were brought into force in England and Wales on 25th November 2012, which was after the Crimes Act and the Criminal Procedure and Evidence Act were passed by the Gibraltar Parliament, and those provisions in the UK were actually based on a 2010 Act of the Scottish Parliament. A course of conduct, under the new provisions, amounts to stalking if it amounts to harassment, the acts or omissions involved are ones associated with stalking, and the person knows or ought to know that the course of conduct amounts to harassment of the other person. A non-exhaustive list of examples of behaviours that are associated with stalking is included, such as following a person or watching or spying on a person's activities. A person would be guilty of the aggravated version of the offence where that person pursues a course of conduct amounting to stalking which causes another to fear, on at least two occasions, that violence will be used against them or it causes the victim serious alarm or distress that has a substantial adverse effect on their usual day-to-day activities, and a person knows or ought to know that his course of conduct will have such an effect on the victim.

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The hon. Member opposite, Mr Figueras, has raised with me a drafting issue in relation to these particular matters concerning stalking and I understand that either himself or myself will propose an amendment to cure a drafting defect in the Bill, and we will deal with that in Committee.

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Mr Speaker, to support the policing of these new offences, a new power of entry is introduced in respect of the offence of stalking. The new power of entry is exercisable by warrant to allow the Police to enter and search premises if there are reasonable grounds for believing that such an offence has been or is

being committed and certain other conditions are met. Furthermore, provision is made so that an officer may seize and retain anything for which the search has been authorised. These new provisions are designed to address specific stalking behaviour, as opposed to the general form of harassment which will continue to fall within the current offence of harassment.

100 Amendments to other sections within Part 6 are also included within clause 2 of the Bill and new sections are introduced. These include making provision so that a person may, in certain circumstances, directly apply to the Supreme Court for an injunction restraining another person from committing acts which will amount to harassment. There is already a power in the Crimes Act for an injunction to be sought to prevent harassment. However, the new power is related to and follows the introduction of the  
105 new offence, in section 91(1A), of harassment involving two or more persons.

In addition, we are making provision allowing for the imposition of restraining orders where applicable. That is increasing the remedies available to persons suffering from harassment. There may be circumstances where someone is acquitted of a criminal offence but the court may consider that it is appropriate for a restraining order to be made to protect a person from harassment.

110 A question may arise as to how can a restraining order be made to restrain harassment where someone is actually acquitted of the offence of harassment. I will say this, Mr Speaker: these will be matters for the court to consider and I do not intend, by this speech, to place any limitations on the issues which the court might itself consider. There is, in fact, already case law in England which sets out some judicial guidance specifically on restraining orders following an acquittal on an offence, a charge of harassment, but I will  
115 also point these matters out, Mr Speaker: a restraining order under this section would be a civil remedy and therefore different standards of proof would apply; secondly, whereas the criminal trial looks at past events where the harassment has actually occurred in the past, the court considering a restraining order will look at future risk and take into account which is not actually given during the criminal trial itself. In this regard, Mr Speaker, I will also quote from legal guidance prepared by the Crown Prosecution Service  
120 in the UK in relation to section 5A of the UK's Protection from Harassment Act, and that is the equivalent provision in England which is published on the website. I quote:

125 'Section 5A was introduced to deal with those cases where there is clear evidence that the victim needs protection, but there is insufficient evidence to convict on the particular charges before the court. It is still open to the victim to seek a non-molestation order or injunction from a civil court. However, the more proactive approach on the part of the courts using section 5A is seen as not only avoiding delay and increased costs to the legal aid budget,'

– although it could also be without a person having to be on legal aid –

130 'but also providing a more seamless process of providing protection to victims.'

Mr Speaker, in addition, the Bill creates a new offence of harassment of a person in his or her home. The purpose of this offence is to give the Police the ability to deal with harassing or intimidatory behaviour by individuals towards a person in his home. It is a necessary ingredient of the offence that the  
135 person intends his presence to amount to harassment of or to cause alarm or distress to the resident, or that a person knows or ought to know that his presence is likely to result in the harassment of or to cause alarm or distress to the resident. It is also necessary for the person to be present there for the purpose of representing to or persuading the resident or another individual that he should not do something that he is entitled or required to do, or that he should do something that he is not under an obligation to do.

140 Mr Speaker, I turn to the amendments to Part 7 of the Crimes Act. Part 7 presently contains offences dealing with religious and racial hatred. Clause 3 of the Bill makes provision for the implementation of our Manifesto commitment on the criminalisation of hate crimes. The following provisions are included in clause 3 of the Bill: (1) the hatred-based offences in the Crimes Act which currently apply only to stirring up of racial or religious hatred are extended to include the stirring up of hatred on the grounds of  
145 sexual orientation; (2) the saving for freedom of expression is extended to apply to discussions or criticism of sexual behaviour or practices or the urging of persons to refrain from such conduct or practices – this means that freedom of expression is safeguarded and that nothing in Part 7 of the Crimes Act prohibits discussions or criticisms of sexual conduct or practices or the urging of persons to refrain from such conduct or practices; (3) the current law in the Crimes Act on aggravated offences, which currently applies only to racially aggravated offences, is similarly extended to cover other types of  
150 aggravated offences and aggravated harassment – namely offences which are religiously aggravated, disability aggravated, aggravated by reason of sexual orientation and age aggravation; and (4) a new section 117A is introduced to provide for the increase in sentences for racial, religious, disability or age aggravation and aggravation related to sexual orientation for offences which do not specifically include  
155 an element of that aggravation.

In summary, Mr Speaker, what clause 3 of this Bill does is to provide a uniform application of 'hate crime' of the law on hate crime by extending the offences of stirring up hatred to include sexual orientation, by extending the aggravated offences to religion, sexual orientation, age and disability, and

160 by introducing new provisions which allow for increase in sentences where an offence is aggravated by reason of race, religion, sexual orientation, age or disability.

I should perhaps explain the difference between the aggravated offences and the possibility of an increase in sentences as a result of an aggravating factor. A person may be charged with a basic offence of assault, or with a separate and distinct and more serious offence of racially aggravated assault. Where a court is dealing with the basic offence of assault but the offence is in fact racially aggravated, the court must treat that as an aggravating factor when it considers the sentence which ought to be imposed. In most cases, when that kind of aggravation is evident from the outset, the defendant will be charged with a more serious aggravated offence, but there may be cases where the aggravation only becomes evident during the trial itself for the lesser offence, and in those cases it is right that the court should treat that as an aggravating factor and sentence accordingly.

170 Part 13 of the Crimes Act. Mr Speaker, Part 13 contains what is commonly known as the Sex Offenders Register and also contains other measures which can be deployed in dealing with sex offenders. This Bill contains, in clause 4, amendments to Part 13 to remedy an incompatibility with article 8 – which is respect for private and family life – of the European Convention on Human Rights. In accordance with section 307 of the Crimes Act, a sex offender who is sentenced to imprisonment for a term of 30 months or more will be subject to notification requirements – in other words, inclusion in the Sex Offenders Register – for life. The current law is that those sex offenders have no possibility of reviewing those requirements.

180 On 21st April 2010, the Supreme Court in the United Kingdom declared, in *R (on the application of F and Angus Aubrey Thompson) v Secretary of State for the Home Department*, that the provision in the UK Sexual Offences Act 2003, which are the equivalent to our Crimes Act for these purposes, about indefinite notification requirements for sex offenders without the right to have them reviewed is incompatible with article 8 of the European Convention of Human Rights.

185 On 30th April 2012, the UK Sexual Offences Act 2003 was amended by the UK Sexual Offences Act 2003 (Remedial) Order 2012 to introduce a mechanism which will enable registered sex offenders who are subject to notification requirements for life to apply for those requirements to be reviewed.

The amendments contained in this Bill to Part 13 of the Crimes Act in essence mirror the content of that remedial order and are intended to ensure that the notification regime under the Crimes Act is no longer incompatible with the Convention right. The one difference between the UK provisions and our provisions will be that, whereas in the UK applications for review are made to the Police, in Gibraltar such applications will be made to the Magistrates' Court.

190 The new section 315D will provide an extensive list of factors which must be taken into account by the court in determining such an application for review. These include the risk of sexual harm posed by the offender; the seriousness of the offence for which he was convicted; the period of time elapsed since the offence or other offences committed; and importantly, any submissions or evidence from a victim of the offence to which the indefinite notification relates.

195 In the light of this, Mr Speaker, and other provisions in the Crimes Act relating to sexual offenders, we are satisfied that this amendment in no way affects the effectiveness and the powers in dealing properly and adequately with sexual offenders.

200 I turn to the amendments to the Criminal Procedure and Evidence Act 2011. Part 2 of the Criminal Procedure and Evidence Act sets out the provisions in relation to the power to stop and search or enter and search. Section 12, which is contained in Part 2, limits the making of an application for such a warrant to investigations into indictable offences. This Bill amends that requirement, as provided for in clause 5, to allow for such warrants to be also sought in relation to a list of summary offences which are included in a new schedule 14 to the Criminal Procedure and Evidence Act 2011.

205 The requirement for this amendment was brought to my attention by the Royal Gibraltar Police, who highlighted difficulties in investigating certain serious but summary-only offences, such as wasteful employment of Police, harassment, improper use of electronic network and dealing in offensive weapons. Under the legislation, in effect, pre the Criminal Procedure and Evidence Act, a search warrant could be sought for any offence. We are not proposing to go back to that system. What we are proposing is a system of scheduling certain offences due to (1) their relative seriousness and (2) the possible difficulty in investigating them without a search warrant. Apologies Mr Speaker. I lost my way there. The list in the proposed schedule 14 contains such offences.

210 I will also say, in relation to this particular schedule – and this follows a conversation which I had with the hon. Member, Mr Figueras, on this particular part yesterday about the possibility of a power to add to the list of offences – it was certainly Government's intention that a power should be included so that whenever a new offence is brought to our attention as requiring a search warrant – by order in the *Gazette*, for example – the list can be amended.

215 I have looked again at the Criminal Procedure and Evidence Act and confirmed that there is already that power. Section 698 of the Act gives power to the Minister to amend any Schedule by notice in the *Gazette*. What I could not do certainly under that power was introduce a new Schedule, and therefore by

this Bill we are introducing the new Schedule with a list, as had been requested of us, in the first instance, and should the occasion arise to add to that list, that addition can be made by notice in the *Gazette*.

225 Mr Speaker, Part 29 of the Criminal Procedure and Evidence Act relates to the publication of the codes of practice under that Act. A change proposed under this Bill introduces a simplified procedure where what has been done is that a code is being revised or amended, rather than the issue of a new code. There is still, however, a requirement for the revised or amended code to be laid before Parliament, where there will be an opportunity to pass a motion to disapprove of the revision or amendment, and if so disapproved, the Minister must revoke the amendment or revision and, in effect, reintroduce the code as it was, in effect, immediately before the changes.

230 The Government considers that there may be circumstances where a code may need to be amended without having to go in advance through the procedure currently set out in the Criminal Procedure and Evidence Act, which requires the publication of the amended or revised code in draft, giving time for representations to be made and consideration of those representations, the tabling of that code in Parliament, and then waiting 30 days after the next sitting of Parliament before the amended or revised code has effect. That is a procedure which could take two months or more.

235 The codes contain procedures which relate to rights of suspects or detainees and there may be, for example, a need to respond to a case concerning compatibility or incompatibility of a particular part of the code with the European Convention of Human Rights. In those circumstances, a power should exist to amend the code immediately and the matter brought to Parliament thereafter. In that way, there would be no continued breach of the Convention.

240 And another concrete example I would give on the possible use of this power is in relation to the duty solicitor scheme. A draft of the code which is currently in place contained provisions for the introduction of such a scheme. These were removed, given the very limited take-up there was by lawyers at the time wishing to participate in that scheme, and for that reason section 85 of the Criminal Procedure and Evidence Act was not commenced. The Government expects that this section will be commenced in due course and it will be then necessary to reintroduce those provisions in the code which were removed. It should not, however, be necessary to deal with this as if a totally new code was being introduced. The amendment to Part 29 will allow the Government to make such a change without starting the whole procedure afresh.

250 I would also add, in relation to this, that this amendment is not intended to give the Government or me, as Minister for Justice, a power to make wholesale changes or wholesale revisions, even though the power does that; it is intended for very specific circumstances which may arise and which may require a code to be amended straightaway. The current procedure does not have a saving for urgency, it just does not have that provision at all, and therefore there is a possibility of having to wait a couple of months.

255 But to the extent possible, whenever any amendment or revision is going to be made, it would be my intention to publish the code in draft and allow representations to be made. So to the extent that we can follow the procedure for the new code, even in relation to amendments or revisions, that will be done; but where it is necessary to act with urgency, it is, in our view, important that that power should exist.

260 In any event, even if the power is used, it is always open for Parliament to pass a motion disapproving of what has been done, and that would happen immediately at the next sitting after the power has been used; so Parliament still has a supervisory role to take and, if disapproved by Parliament, as I have already mentioned, the new code, or rather, the code as originally existed would have to be reintroduced by the Minister. So there is a safeguard there for Parliament in any event.

265 Mr Speaker, this Bill gives effect to Manifesto commitments of the Government as well as introducing provisions which we consider necessary or appropriate. In complex legislation, such as the Crimes Act and the Criminal Procedure and Evidence Act, there will always be issues which arise post commencement and which require correction. This Bill achieves that. As such, we consider that the passing of this Bill will result in an improvement to our criminal justice system.

270 Mr Speaker, I commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

275 **Hon. S M Figueras:** Yes, Mr Speaker.

I am grateful to the Hon. Minister for Justice's intervention in this respect and for dealing with a variety of issues that we have had occasion to discuss just, over the last 24 hours or so. I am grateful to him for making himself available for those conversations as it will make this process far simpler and far more collegiate than it might otherwise have been, and for that I am grateful.

280 In relation, Mr Speaker, and I will go briefly through the various parts and amendments proposed in the Bill. In relation to the two stalking offences and the introduction of search warrants in the context of stalking, this side of the House certainly considers that it is right and proper that this should be the case and that we should be brought in line with the position in the UK, building on the introduction of the

285 harassment offences in the Crimes Act introduced by my Learned and Hon. Leader, Daniel Feetham. I am pleased to note in the statistics in the Gibraltar Police Authority's report that, since the introduction of those offences, only one report has been made, but certainly it is not our place to be complacent and ignore such issues; and being ahead of the fold is certainly, in my view, a worthy pursuit.

290 In relation to the injunctions and other amendments to Part 6, including, in particular, the restraining orders which will be imposed upon individuals following acquittal, again this has the full support of this side of the House. As something that was discussed between myself and the Hon. Minister during our conversations on this Bill, the issue of harassment at home is one that has been an issue more in the UK than it has been here but once more we certainly consider it, on this side of the House, as important to keep ourselves up to date in respect of these particular offences, whether or not it is a current issue in the community currently.

295 In respect of the amendments to Part 7 and the introduction of the raft of offences and enhancement in respect of offences on sexual orientation, age and disability, again this side of the House wholeheartedly supports that initiative.

Moving on to the amendment to Part 13 of the Crimes Act, which deals with the incompatibility between the Convention right and the indefinite notification requirement, certainly it is the case that this has been dealt with in the UK as well and we have no issue whatsoever in supporting that.

300 Further, in relation to section 12 and the creation of Schedule 14, it is in fact the case, as the Hon. Minister alluded to earlier, that we have had a conversation in this particular regard and I was certainly perfectly keen for the additional power, had it been necessary, to be added to this Bill by way of amendment, and I am grateful to the Minister for confirming that that is not necessary.

305 I turn now, Mr Speaker, to perhaps the only significant point of contention that has arisen during the review of this Bill, and that is the amendment of section 690 of the Criminal Procedure and Evidence Act. For the Members on this side of the House, the general principle which is brought into effect by this amendment – that the Hon. Minister is able to amend by order the whole of the codes which originally are required by law to pass through a drafting procedure and then through this House – caused... perhaps 'consternation' would be too strong a word, but it caused just a moment's concern in the context of what the application of that power would mean in the current Gibraltar context. We are satisfied – certainly, I personally am – and it is the view on this side of the House that the assurance given by the Hon. Minister in respect of the application of this power is sufficient to allay any fears that we may have in respect of the abuse of the power, that we will be supporting the Bill in its entirety, despite some reservations that we may have.

315 Again, I would like to echo the Minister's comments in respect to the teething problems that are to be expected and are entirely natural in the context of legislation as significant as this, and this side therefore has no issue in supporting this Bill.

320 **Hon. D A Feetham:** Mr Speaker, just very briefly, I am grateful to the hon. Gentleman for recognising that when one is dealing with a seminal... indeed, two seminal pieces of legislation, as the Crimes Act and also the Criminal Procedure and Evidence Act clearly are – the two largest Acts in legal history in Gibraltar, dealing with crimes and also evidence and procedure from top to bottom in what is our criminal law – that it is always going to be an evolving process for any subsequent Government coming back to it and needing to amend in order to effectively keep that Act up to date or deal with any problems in the implementation of the Act. Indeed, he may recall that when we had our exchanges in relation to the amendments to the Sexual Offences parts and the Sexual Offences Register in March of this year – I think it was March of this year – I also alerted him to the fact that I was aware of certain European Court of Human Rights decisions that may well necessitate amendments to this Act, which is one of the reasons why he has had to bring amendments today.

330 But I would like to talk about the question of the amendments to the codes of conduct. I do not know whether the idea to amend this particular way that codes of conduct are revised was taken from a previous draft of the Bill, or whether it has been an initiative from his Department, but let me tell him that my recollection is that, in fact, in one of the late drafts of this particular Bill we had actually done exactly what the hon. Gentleman has done today in his amendments. When I had my bilateral meetings with – the backbencher then – the Chief Minister, his view, which carried a lot of force, was, 'Well, hang on a minute: what you are effectively doing, or what can arise as a consequence of the regime as drafted, is that you could amend the entirety of the draft without actually going through the original safeguards and the original procedure, and even if you don't amend the entirety of the draft, you could amend substantial parts of it, and by substantial parts of it that really are so substantial that you ought to go through the original procedure, because the original procedure is there, intended to provide the public and stakeholders with a safeguard that there is going to be some proper input from stakeholders and some proper scrutiny in relation to amendments to the code.'

340 I have to say that, although my preference is that the Act should not have been amended and that the procedure should have stayed the same as we had originally drafted, I recognise that it was on the cards

345 for us. I recognise that there are two views in relation to this and that, of course, if at the end of the day it  
 arises in the future, or a situation arises in the future whereby a government seeks to abuse this particular  
 power by introducing, for example, very substantial amendments to the codes or revised the entirety of  
 350 the codes without going through the original procedure, as a way of circumventing it, that that obviously  
 would create a political problem and would create a political debate, which we, no doubt, either us, or  
 some future Opposition may raise in this House and outside it. For that reason, we do not believe that  
 despite the fact that we would have taken, and did take, a different policy decision in relation to this, that  
 it is a good enough reason for us either to abstain or to vote against this Bill.

355 **Mr Speaker:** Does any other hon. Member wish to contribute before I ask the hon. mover to reply?  
 The Hon. the Minister for Justice.

**Hon. G H Licudi:** Mr Speaker, thank you.

360 The comments from the two Members opposite are very helpful indeed, and not just the comments –  
 as Mr Figueras has mentioned, there have been several conversations between myself and him, outside of  
 this Chamber on this particular Bill, which have been very useful in focusing on particular areas, and in  
 fact, as he mentioned, in identifying one particular matter which actually requires amendment because  
 there is a drafting issue.

365 The Hon. Leader of the Opposition asked whether the amendment we are making in relation to the  
 introduction or the amendment or revision of a code was as a result of a previous version of the Bill. I was  
 not aware, in fact, that there had been a previous version of the Bill where this had been considered, but I  
 can tell him how it actually arose. It arose out of consideration of the introduction at some point of... or  
 the commencement of section 85 of the Criminal Procedure and Evidence Act, which is what provides for  
 the right to legal advice and therefore the introduction of the duty solicitor's scheme. It occurred to me  
 370 that that is something I can do: I can commence section 85, as Minister for Justice, by a notice in the  
*Gazette*, but I cannot give it effect because I could not amend the code. The corresponding amendments  
 to the code which have to be made would have to go through the whole procedure of publishing the code  
 in draft, hearing representations, considering representations, tabling before Parliament, and then waiting  
 375 30 days after the next sitting. So there is something strange in that a Minister can commence primary  
 legislation but not a code of practice which is designed to give that effect, and therefore I thought that, in  
 those circumstances, that power should exist.

It also occurred to me, when looking at this, particularly given the amendment we are introducing in  
 relation to the Sex Offenders Register, because of the incompatibility with the European Convention of  
 Human Rights. In that particular case, it has not been a practical problem to wait to cure that  
 380 incompatibility because we only commenced the Sex Offenders Register last year and realistically and  
 practically the time for review of anybody who is there on an indefinite basis certainly would not have  
 arisen, so whatever incompatibility exists can be amended through this normal course of events by  
 waiting and, as the hon. Member has mentioned, earlier this year, the fact that this amendment was  
 required was mentioned in this Parliament and in practice it has not resulted in any problem. But it did  
 385 occur to us that a question of incompatibility might arise in relation to existing rights of people who are  
 being dealt with by the Police and you could have a situation where there is some sort of declaration of  
 incompatibility somewhere else – in the Supreme Court in the United Kingdom, for example, or the  
 European Convention or in the European Court of Human Rights – and we would not have a procedure to  
 implement that straightaway, which raises a practical problem: how do the Police deal with a code of  
 practice which is actually stated to be incompatible with the Convention rights; and during those two  
 390 months that it takes – or six weeks or whatever, however long it takes – how do the Police deal with those  
 suspects or those detainees? Therefore there is a possibility of a practical problem and the need to act with  
 haste in those circumstances.

395 But I can say, as I have already said, that it is envisaged that this power would only be used in very  
 rare and extreme circumstances, and to the extent possible it will be published in draft – any amendment  
 or any revision – and certainly no wholesale revision is planned for the moment, but if it was it certainly  
 would go through the normal procedure of publishing the draft and considering representations.

400 Finally, Mr Speaker, the hon. Member has mentioned that we have to recognise that these are seminal  
 pieces of legislation. They introduced, essentially, a new criminal justice framework. Particularly  
 following what in England had been introduced as PACE, the procedural side, in particular, that was  
 somewhat revolutionary for Gibraltar. These are very substantial pieces of legislation. They were passed,  
 I recall, in June 2011, and commenced towards the end of last year. In that over one year we have had  
 occasion to come back to Parliament – on this occasion and on a previous occasion – to make an  
 amendment which we wanted to make. Teething problems have not been that great and perhaps it is a  
 405 testament to the care that was taken with those two very important pieces of legislation at the time and  
 how they were introduced that we have not actually had too many problems in practice – or not too many  
 issues have arisen which have been brought to our attention which required some sort of revision or

410 amendment to the Act. Therefore, I just wanted to place on record that these were important and complex pieces of legislation, and the fact that over the past year or so that they have been in place only minor issues have come to light, I think shows that, as the hon. Member has mentioned, quite a number of drafts would have had to have been gone through – 11 drafts, I understand – in order to arrive at what are quite clearly two very important pieces of legislation.

415 I am very grateful for the hon. Member signifying that they will support the amendments in the Bill, which as I have indicated, I expect will serve as improving even further the criminal justice structure that we have in Gibraltar.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

420 **Clerk:** The Criminal Justice (Amendment) Act 2013.

425 **Criminal Justice (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

430 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today, which is now? (**Members:** Aye.)

435 **COMMITTEE STAGE**

**Criminal Justice (Amendment) Bill 2013**

440 **Mr Speaker:** May I ask the Leader of the House, therefore, to ask that the House resolve itself into Committee.

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker.

445 I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: namely the Criminal Justice (Amendment) Bill 2013.

*In Committee of the whole Parliament*

450 **Criminal Justice (Amendment) Bill 2013**  
**Clauses considered and approved with amendment**

455 **Clerk:** A Bill for an Act to amend the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011.  
Clause 1.

460 **Mr Chairman:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

465 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, clause 2(13) where it says:

'After section 94 insert– and there is a heading:

470 **“Stalking involving fear of violence or serious alarm or distress.**

Then there is section 94A.(1)...’

475 – I would propose that we amend this. Where it says ‘is guilty of an offence’, those words should be at the end of 94A.(1) as a separate paragraph, so that it reads:

*‘94A.(1) A person (“A”) whose course of conduct–*

*(a) amounts to stalking; and*

480 *(b) either A knows or ought to know that A’s course of conduct will cause B so to fear on each of those occasions or (as the case may be) will cause such alarm or distress, is guilty of an offence.’*

So, ‘is guilty of an offence’ is a separate line after (b).

485 **Mr Chairman:** Does the Clerk have a copy of that amendment in writing?

**Clerk:** Therefore, what the mover of the amendment is saying that 94A.(1) should read as follows:

490 ‘94A.(1) A person (“A”) whose course of conduct–

(a) amounts to stalking; and

(b) either –

495 A knows or ought to know that A’s course of conduct will cause B so to fear on each of those occasions or (as the case may be) will cause such alarm or distress,

is guilty of an offence.’

500 Is that the amendment?

**Hon. G H Licudi:** Yes, that is right.

**Clerk:** And is there a comma after ‘distress’?

505 **Hon. G H Licudi:** No, there is not a comma.

**Clerk:** Or we remove the full stop?

510 **Hon. G H Licudi:** It is a new line.

Mr Chairman, the full stop after ‘distress’ should be removed, and then ‘is guilty of an offence’ on a new line with a full stop after the ‘offence’ and a comma after ‘distress’.

515 **Mr Chairman:** I will now put that amendment to the vote. Those in favour? (**Members:** Aye.) Those against? Carried.

Clause 2 as amended.

**Hon. G H Licudi:** Mr Chairman, can I just add –

520 **Mr Chairman:** Do you have another amendment?

**Hon. G H Licudi:** No, it is the same – just to clarify... That we have to remove the word ‘if’.

**Clerk:** That is noted.

525 **Mr Chairman:** Clause 2 as amended stands part of the Bill.

**Clerk:** Clause 3.

530 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 4.



**Mr Chairman:** Stands part of the Bill.

535 **Clerk:** Clause 5.

**Mr Chairman:** Stands part of the Bill.

540 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

545

**BILL FOR THIRD READING**

**Criminal Justice (Amendment) Bill 2013**  
**Third Reading approved: Bill passed**

550 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Criminal Justice (Amendment) Bill 2013 has been considered in Committee and agreed to with amendment, and I now move that it be read a third time and passed.

555

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011 as amended be read a third time. Those in favour? (**Members:** Aye.) Those against? Carried.

560

**ADJOURNMENT**

565 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn *sine die*.

570

**Mr Speaker:** I now propose that the House do now adjourn *sine die*.  
I will now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.  
The House will now adjourn *sine die*.

575

*The House adjourned sine die at 3.55 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 12.27 p.m.

Gibraltar, Thursday, 17th October 2013

## The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

### PRAYER

*Mr Speaker*

## Order of the Day

### CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Thursday, 17th October 2013.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 19th September 2013.

5 **Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

*Mr Speaker signed the Minutes.*

10 **Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees.

15

**SUSPENSION OF STANDING ORDERS**

20

**Standing Order 7(1) suspended  
to proceed with a Government Bill**

**Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

25

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government Bill.

**Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

30

**BILLS**

**FIRST AND SECOND READING**

35

**Financial Services (Information Gathering and Co-operation) Bill 2013  
First Reading approved**

**Clerk:** Bills – First and Second Reading.

40

A Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters.

The Hon. the Minister for Financial Services and Gaming.

45

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters be read a first time.

50

**Mr Speaker:** I now put the question, which is that a Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

55

**Clerk:** The Financial Services (Information Gathering and Co-operation) Act 2013.

60

**Financial Services (Information Gathering and Co-operation) Bill 2013  
Second Reading approved**

65

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, the Government has strongly supported the application by the Financial Services Commission to become a signatory to the Multilateral Memorandum of Understanding concerning consultation and co-operation and the exchange of information (MMoU) of the International Organisation of Securities Commissions, which is known as IOSCO.

70

IOSCO was established in 1983 and is the acknowledged international body that brings together the world securities regulators and is recognised as the global standard setter for the security sector. IOSCO develops, implements and promotes adherence to internationally recognised standards for securities regulation and is working intensively with the G20 and the Financial Stability Board on the Global Regulatory Forum Agenda.

75

IOSCO's membership regulates more than 95% of the world's securities markets. Its members include over 120 securities regulators and 80 other securities markets participants, as in for example stock exchanges, financial regional international organisations. IOSCO is the only international financial

regulatory organisation which includes all the major emerging market jurisdictions within its membership.

80 I should emphasise that there are fully 97 signatories to the MMoU and it includes all the advanced major economies, as well as international financial centres such as Bermuda, BVI, the Cayman Islands, Dubai, Guernsey, Jersey, Hong Kong and the Isle of Man.

85 In order for the FSC to become a signatory to the MMoU, IOSCO has requested that certain changes be made to our legislation. After various rounds of discussion between the FSC and IOSCO, we and the FSC believe that this Bill makes the necessary changes to ensure that the FSC and thereby Gibraltar, can become a signatory to the IOSCO MMoU.

90 I should note, however, that IOSCO will not give its definitive opinion on our legislation until it has actually commenced. It is possible, therefore, that despite our very best efforts, we will need to make changes to the proposed legislation in the near term after its commencement. We expect, however, that any such changes would be in the nature of minor amendments.

95 Mr Speaker, the Government has also taken the opportunity in this Bill to take into account a number of suggestions from the Financial Services Commission in regard to the same subject matter as the IOSCO requests, namely the strengthening and unifying of information gathering and co-operation powers of the FSC for its own regulatory and supervisory functions, and their consolidation of these powers in a single Act, upon eventual repeal of the equivalent provisions in the Supervisory Acts, while ensuring that safeguards are in place against potential abusers of power.

I now turn to the Bill itself.

100 In Part I, clause 2 – Interpretation – the definitions of the existing Supervisory Acts are retained, except that in clause 2, the definition of ‘Relevant Person’ is extended from the current definition under the Supervisory Acts to include, in (f), any person who is or has been directly or indirectly involved in a transaction which the Authority considers relevant to the pursuit of its obligations under this or any of the Supervisory Acts.

105 In Part II – Confidential Information and Documents – clause 3(1) sets out the crucial principle that information obtained by the authorities defined in clause 2, that is to say primarily the Financial Services Commission, must treat the information it obtains confidentially. Like clause 2(2), clause 1 is modelled on section 23 of the existing Financial Services Commission Act 2007. However, in clause 2(2) several further exceptions to the duty of confidentiality are added, primarily in order to meet IOSCO’s requirements.

110 These are: in clause 3(2)(d) the Memorandum of Understanding between the Authority as defined in clause 2, primarily the Financial Services Commission and other authorities – an IOSCO requirement; in clause 3(2)(e) to permit disclosures to a domestic authority listed in Schedule 1, effectively removing present restrictions on the FSC from speaking to itself with information obtained under one Supervisory Act in relation to information obtained by it under another Supervisory Act; in clause 3(2)(f) to permit disclosure to foreign authorities with functions corresponding to those of the Authority as defined in clause 2; in clause 3(2)(g) to clarify that disclosure for consolidated supervision is permitted; in clause 115 3(2)(h), (i) and (j) to permit the FSC to disclose information to liquidators and auditors of regulated firms, as well as to those responsible for ensuring compliance with company law.

120 In clause 4, Mr Speaker, this clause is modelled on section 54 of the current Financial Services (Markets in Financial Instruments) Act and it is an essential requirement of the IOSCO MMoU. One effect of this clause is that, for example, when a request for assistance is made from a non-EU authority that is party to an MoU with Gibraltar, the FSC could honour this request without running through a separate check list of requirements to satisfy itself that the request is proper, as this will already have been addressed prior to entering into an MoU.

125 Clause 5: this clause gives effect to the IOSCO MMoU requirement that the FSC, as a relevant authority in Gibraltar, has the express power to enter into co-operation agreements.

In clause 6, Mr Speaker, the clause is derived from section 33 of the Financial Services (Investment and Fiduciary Services) Act and has been included to meet the MMoU requirement that the power to require production of documents be extended to include requests for information.

130 Clause 7 is derived from section 33A of the Financial Services (Investment and Fiduciary Services) Act. A similar provision already exists in some of the other Supervisory Acts. The Government considers it useful for the FSC to require a skilled person’s report in any relevant area under supervision, in a consistent and harmonised manner.

135 Similarly, Mr Speaker, in clause 8 this clause is derived from section 101 of the Financial Services (Insurance Companies) Act and is being included here as it does not exist in all Supervisory Acts. This deals with the appointment of inspectors. Its merit lies in allowing for focused investigations by suitably qualified individuals to report on the affairs of persons carrying on or who are believed to be carrying on or to have carried on a regulated activity.

Clause 9 deals, Mr Speaker, with the powers of inspectors. IOSCO requires that inspectors should be allowed to examine individuals under oath and this is reflected in clause 9.

140 Clause 10, Mr Speaker: the clause permits the Authority to require that an inspector make interim reports and a final report of his investigation and allows for copies of any such reports to be forwarded to various persons and authorities, including the Minister with responsibility for Financial Services. The clause is taken from section 103 of the Financial Services (Insurance Companies) Act and is being included here as it does not exist in all of existing Supervisory Acts.

145 Clause 11, Mr Speaker, relates to the duty to produce records. This clause places an obligation on the person whose affairs are being investigated by an inspector and on any other person whom an inspector examines to provide information including documentation to the inspector. The clause is taken from section 104 of the Financial Services (Insurance Companies) Act and is being included here so as to extend to all regulated activities.

150 Part V, Mr Speaker, clause 12 expressly enables the Authority to co-operate with other authorities which exercise supervisory or regulatory responsibility over a relevant person. This power already exists under section 60 of the Financial Services (Banking) Act. The clause extends this power across all regulated activities and thereby to all relevant regulators, including securities regulators, as required by the MMoU of IOSCO.

155 Clause 13: this clause has been included because the IOSCO MMoU makes specific provision for circumstances where a recipient authority may refuse to co-operate. The clause is drawn directly from paragraph 6(e) of the MMoU.

160 Mr Speaker, clause 14 deals with offences and punishes wilfully making statements or providing information knowing it to be untrue in material respects. The clause is drawn from section 82(6) of the Financial Services (Banking) Act and has been included so that it can be applied across all of the Supervisory Acts.

Clause 15, Mr Speaker, has been included so as to ensure that unauthorised disclosures of information are punishable with sanctions including imprisonment and fines. The clause is drawn from section 16 of the Financial Services Commission Act.

165 Clause 16, Mr Speaker, punishes refusal to supply information or to co-operate with the Authority with an accelerating fine. The clause is drawn from section 104 of the Financial Services (Insurance Companies) Act, except for subclause (3) which is taken from section 2(2)(b) of the Crime (Money Laundering and Proceeds) Act on the protection of legal privilege.

170 Clause 17, Mr Speaker, deals with appeals to the Supreme Court and expressly provides for appeals from a decision of the FSC to the Supreme Court. This has been included as an important check on the Financial Services Commission's powers and is taken from section 104 of the Financial Services (Insurance Companies) Act.

Clause 18, Mr Speaker, sets out the Supreme Court's options once an appeal is lodged and is also taken from section 104 of the Financial Services (Insurance Companies) Act.

175 Mr Speaker, clause 19 ensures that the Authority's power to show information cannot be impeded if that information was obtained under one of the Supervisory Acts and deals with its transitional provisions.

180 Clause 20, Mr Speaker, deals with consequential amendments. This clause repeals a confidentiality section of the Financial Services Commission Act 2007 so as to ensure that clause 3 of the Bill, which is IOSCO compliant, is the sole relevant provision on confidentiality across the Supervisory Acts.

I must also mention that it is our intention to repeal further sections of the Supervisory Acts so that they do not run in parallel with the provisions of this proposed Bill. However, we thought it prudent not to make these repeals for the time being, given the aforementioned possibility that changes based on IOSCO feedback may need to be made to the Act after it has commenced.

185 Finally, I shall be putting the following two minor amendments at the Committee Stage. In clause 3(2) the word 'everybody' should in fact read as two separate words, separated by a space, it being the intention in 3(2) to refer to physical persons and collective entities; and secondly, Mr Speaker, in clause 4(4)(d), the letter 'a' in the word 'authority' ought to be capitalised as 'Authority', as the case is throughout the entire clause.

190 Mr Speaker, I am grateful to my hon. Friend, Mr Figueras, who I have discussed and consulted with on the Bill and we have... These two amendments that I will be moving come as a result of his intervention and I am grateful to him for that and for his co-operation.

I am also grateful to the Financial Services Commission for their work in getting this Bill to the House this morning.

195 I commend the Bill to the House, Mr Speaker. *(Banging on desks and applause)*

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Mr Selwyn Figueras.

200

**Hon. S M Figueras:** Mr Speaker, yes, it is my honour and privilege to rise today to speak on the merits of the Bill.

I would like to take the opportunity first of thanking the Hon. Minister and his team for their diligence in dealing with the various enquiries and issues that arose when we discussed the Bill on a number of occasions before today. I would also like to congratulate the Minister on his maiden speech since he returned to this House on 4th July.

Today, the Opposition will not, Mr Speaker, be opposing the Bill.

I first raised the matter of Gibraltar's status as a non-signatory to IOSCO's MMoU publicly in March of this year, highlighting the fact that the act of signing up to the Multilateral Memorandum of Understanding was a very important measure for Gibraltar plc to take.

It was the then GSD Government in 2009 that signalled Gibraltar's commitment to sign up to the Memorandum and the Hon. Mr Licudi, who was at the time responsible for financial services, rightly pointed out that the GSD did not bring relevant legislation to this House before December 2011. Draft legislation, post the election, was then circulated to the then Leader of the Opposition, Sir Peter Caruana, for comment. It was our position then, as it is today, that in the absence of comments, Mr Speaker, it was the now Government's responsibility to actively manage the timetable in this regard to ensure a timely sign up to the MMoU.

At the time, Mr Speaker, the Government also issued a statement saying, and I quote:

'It is also important to note that there is presently no stock exchange in Gibraltar on which securities are listed. This is therefore not an issue that is of any pressing practical importance in that respect. Indeed, it is as important in practice as not having complied with a protocol on commercial fishing in rivers or industrial scale farming, given that there are no such activities in Gibraltar.'

It turns out, Mr Speaker, that as we had said at the time, the MMoU scope was wider than that. More specifically, we had explained in our own press releases, and I quote that:

'The MMoU's reach is, as the Government should be aware of, far wider than the Government lets on. Indeed, a cursory review of the MMoU and the organisations objectives makes it patently clear that the majority of its work is not concerned with stock exchanges but with financial products which are a key component to the financial services industry in Gibraltar.'

In May, Mr Speaker, I asked the then Minister for Financial Services, the Hon. Mr Licudi, whether the Government would be in a position to pass the legislation soon. I was assured that a Command Paper would be issued within a matter of weeks, which Command Paper was indeed issued on 14th June this year. This allowed for a period of two weeks' consultation.

I further understand that there was no response to the Command Paper and I am informed that the FSC, as part of its valued participation in this process, requested a number of changes to the Command Paper draft, one of them being the addition of subclause (f) to clause 2, which the Hon. Minister has alluded to in his address this morning.

Additionally, I have been given to understand by the very helpful team that has worked with the Hon. Minister on this Bill, that the other significant difference between the Command Paper and the Bill before the House is the deletion of a comprehensive list of consequential amendments which was part of the original draft in the Command Paper. The only consequential amendment that remains in the Bill today is the deletion of section 23 of the Financial Services Commission Act 2007 which will now, practically word for word, be law under clause 3 of the Bill. As for the other consequential amendments missing from this Bill, I am satisfied, following a discussion with the Hon. Minister, that from a practical perspective, it is desirable to attend to these others when there is certainty in respect of Gibraltar's approval as a signatory of the IOSCO MMoU.

In the time between publication of the Command Paper on 14th June and the publication of this Bill Mr Speaker, which was on 29th August, the financial services industry saw two further developments. Those were the publication by the European Securities and Markets Authority (ESMA) of its guidelines for the model MoU concerning consultation, co-operation and exchange of information related to the supervision of the Alternative Investment Fund Managers Directive entities and, importantly, four days later, the signing of regulations transposing that Directive into local law.

The ESMA guidelines set out the model for the Memorandum of Understanding between the EU and non-EU supervisory authorities for the purposes of achieving the appropriate supervision co-operation agreements required by the Directive – a Directive which, as I just explained, was implemented in Gibraltar a mere four days after the publication of those guidelines. Those guidelines further explain, and I quote:

'That the [ESMA] MoU should be complementary to the IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information of 2002 (revised in 2012). This implies that, in order for it to be considered that both the European competent authority and the non-EU supervisory authority, have cooperation agreements in place as required by the Directive, both authorities should be signatories to both the MoU set out in the guidelines and the multilateral Memorandum of Understanding [IOSCO]...'

270 Mr Speaker, Gibraltar is not currently on the list of EU competent authorities and the passage of this Bill into law is critical to Gibraltar's inclusion in it. It will only be after Gibraltar signs up to the IOSCO MMoU that this limitation will be lifted and that Gibraltar will be able to fully offer itself as the AIFM jurisdiction that is fully open to the new and very exciting opportunity that this represents for the local funds industry.

Turning to the substance of the Act, the Hon. Minister has very comprehensively gone through all the provisions and there is nothing that I can add that he has not already dealt with.

275 To conclude, therefore, whilst Members on this side of the House may consider that it would have been desirable for this matter to have been concluded some time ago, we are all keen to see this legislation make its way into the statute books and, crucially, in so doing, are hopeful that our support for the Bill may see Gibraltar's inclusion on the list of IOSCO MMoU signatories without delay.

**Mr Speaker:** Any other Member?

280 I now put the question, which is that a Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

285 **Clerk:** The Financial Services (Information Gathering and Co-operation) Act 2013.

290 **Financial Services (Information Gathering and Co-operation) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

295 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken now? (**Members:** Aye.)

300 **COMMITTEE STAGE**

**Financial Services (Information Gathering and Co-operation) Bill 2013**

305 **Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Financial Services (Information Gathering and Co-operation) Bill 2013.

310 *In Committee of the whole Parliament*

315 **Financial Services (Information Gathering and Co-operation) Bill 2013**  
**Clauses considered and approved**

320 **Clerk:** A Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters.

Clause 1.

**Mr Chairman:** Stands part of the Bill.

325 **Clerk:** Clause 2.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 3.

330 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Chairman, in clause 3(2) the word 'everybody' which is on line 3 should be replaced by the two words, 'every body'.

**Mr Chairman:** Those in favour? Those against? The amendment is carried.  
Clause 3 as amended stand part of the Bill.

335 **Clerk:** Clause 4.

**Hon. A J Isola:** Mr Chairman, in clause 4(4)(d) the word 'authority' should be capitalised with a capital 'A'.

340 **Mr Chairman:** Is that amendment agreed to?

**Hon. S M Figueras:** Yes, Mr Chairman.

345 **Mr Chairman:** Clause 4 as amended stands part of the Bill.

**Clerk:** Clause 5.

**Mr Chairman:** Stands part of the Bill.

350 **Clerk:** Clause 6.

**Mr Chairman:** Stands part of the Bill.

355 **Clerk:** Clause 7.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 8.

360 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 9.

365 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 10.

**Mr Chairman:** Stands part of the Bill.

370 **Clerk:** Clause 11.

**Mr Chairman:** Stands part of the Bill.

375 **Clerk:** Clause 12.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 13.

380 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 14.

385 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 15.

**Mr Chairman:** Stands part of the Bill.



390 **Clerk:** Clause 16.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 17.

395 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 18.

400 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 19.

**Mr Chairman:** Stands part of the Bill.

405 **Clerk:** Clause 20.

**Mr Chairman:** Stands part of the Bill.

410 **Clerk:** The Schedule.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

415 **Mr Chairman:** Stands part of the Bill.

#### BILLS FOR THIRD READING

420

#### **Financial Services (Information Gathering and Co-operation) Bill 2013** **Third Reading approved: Bill passed**

425 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Financial Services (Information Gathering and Co-operation) Bill 2013 has been considered in Committee and agreed to with some amendments, and I now move that it be read a third time and passed.

430 **Mr Speaker:** I now put the question, which is that the Financial Services (Information Gathering and Co-operation) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

435

## Questions for Oral Answer

#### TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

440

#### **Upper Rock Nature Reserve** **Private cars visiting**

445 **Clerk:** (viii) Answers to Oral Questions.  
Question 544/2013, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, can the Minister for Tourism provide details of the numbers of private cars which have visited the Upper Rock Nature Reserve broken down on a monthly basis since he assumed office?

450

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, I now hand over to the hon. Gentleman a schedule with the information he requests.

455

SCHEDULE TO QUESTION NO 544/2013

	UPPER ROCK PRIVATE VEHICLE MOVEMENT											
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2012-13	1,824	1,561	1,459	1,398	1,896	1,161						
2013-14	1,190	1,749	1,105	1,871	1,407	1,145	2,026	1,075	738	711	921	1,442
									940	513	1,091	1,071

**Hon. D J Bossino:** Mr Speaker, whilst I receive the schedule, can I ask the Hon. Minister why it is – I am sure it is an administrative issue – that Table T11 as set out in the Gibraltar Government website, which details the total number of Upper Rock Nature Reserve visitors by month and year, ends in June of this year, 2013? Can he give an explanation as to why it has not been updated for the last five or six months?

460

**Hon. N F Costa:** Mr Speaker, I do not know the answer to that, but I will be happy to find out for him.

465

**Hon. D J Bossino:** Mr Speaker, the reason why it is raised, it has come to my notice, is precisely because I was doing some research in relation to the question that I have just posed and I just find it surprising that the information is not contained in that particular schedule and is rather outdated.

But if I can just have a second to review the schedule, I would be grateful.

Mr Speaker, not surprising in fact that the figures, if one does a comparative exercise between last year 2012-13 and the current year 2013-14, there is a reduction of about 50% particularly in August and September. The other months are more or less the same. Does the Minister have any concerns in relation to that and does he have any comment to make in relation to those figures?

470

**Hon. N F Costa:** Well, Mr Speaker, of course, any decrease in numbers travelling to the Upper Rock is not welcome news and I am sure that the hon. Gentleman will appreciate that on this side of the House we take that view. But before I take any concern of the statistics I would do so if there was a consistent pattern over perhaps three to six months as opposed to – as he has correctly identified – just two months.

475

**Hon. D J Bossino:** Yes, Mr Speaker, clearly those two months are ordinarily the busiest. In fact, if one does an analysis of those same figures for last year, as you would expect precisely because it is a summer season, you see a massive increase and it must be very worrying indeed from the Government's perspective – it certainly is from my perspective and I am certainly not surprised by the figures – that the figures should be so far reduced from last year. Because in terms of the income which is being received in Government coffers, that must have a significant debt.

480

So the only point I make is that although he says that he is reserving comment until there is a longer period of time when he can make an analysis, surely he can already make an analysis based on the fact that we are dealing with the busiest, traditionally as one would expect, the busiest period of time in terms of visitor arrivals at the Upper Rock.

485

**Hon. N F Costa:** Well, Mr Speaker, in respect of the preface to his question, he says they would make a significant impact on the revenue stream of the Government; it will make an impact to the extent that it has been reduced, no more and no less. It is a mathematical calculation which he can make in the same way that I can.

490

495 He must remember, Mr Speaker, so that the public is not alarmed – and I am not saying that the hon. Gentleman is trying to be alarmist – that his question is specifically cast in terms of the numbers of private cars. We are not talking about people walking up the Upper Rock or tour operators, which of course is the main way in which people go to the Upper Rock.

500 **Hon. D J Bossino:** Mr Speaker, obviously I cannot make... I have not asked that specific question but obviously I refer the Hon. Minister to the point I made earlier in terms of the information that is ordinarily provided on the Government website and is not available from during that year and I look forward to seeing that information posted so I can make that analysis, indeed whether there has been a reduction in Nature Reserve visitors over the last year. I would expect that one would also see a dent in those arrivals because obviously people also travel in cars. If there are less cars going up one would have thought that there were also less people accessing the Nature Reserve. But at this stage, I think it is just supposition until we have the precise figures in relation to visitor arrivals, but I am grateful to the Hon. Minister for the explanation that he has given.

510 **Clerk:** Question 546, the Hon. –

**Mr Speaker:** A supplementary question from the Leader of the Opposition.

515 **Hon. D A Feetham:** Yes, Mr Speaker, it is the Hon. Minister that has raised the question of the Nature Reserve visitors and tour operators by suggesting that while these figures may not be reflective of the overall position when one takes into account Nature Reserve visitors and tour operators.

Does he have the figures for Nature Reserve visitors and tour operators and does he know whether those are up or down or is it just a comment? In other words, let us wait until we see what figures there are in the future in relation... what the figures show in the future in relation to these two areas.

520 **Hon. N F Costa:** Yes, Mr Speaker, as I said when answering to the preface to the question of the hon. Gentleman, Mr Bossino, the question was cast specifically in relation to private cars and therefore I replied to say that, in terms of the overall picture, we would need to consider as well tour and the transport operators.

525 I remember reading in *Hansard* an answer given by the Hon. Mr Peter Caruana when numbers were down in one particular year and he said that when numbers were down in terms of vehicular traffic in the Upper Rock, the positive flip side to that was that there was less congestion and therefore perhaps more pleasant.

530 **Hon. D A Feetham:** And can the hon. Gentleman perhaps postulate a reason why these are down for the months of August and September?

535 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman surely knows the reason for that, and that is because our neighbour to the north decided recently to harass and bully little Gibraltar and decided to impose the most inhumane, disproportionate checks at the border, which surely had an impact on the number of tourists coming in.

540 **Hon. D A Feetham:** Mr Speaker, and perhaps can he confirm that in Cabinet, when all this was discussed, that the hon. Gentleman told the Chief Minister, ‘Well, next time that you throw concrete blocks into the...’ – (*Interjections*)

**Mr Speaker:** No, no, no! Order! Order! That is totally irrelevant.

**Hon. D A Feetham:** Well... may I...

545 **Mr Speaker:** I am not going to allow the Leader of the Opposition, under the guise of this sort of question, to hold a debate on the restrictions at the frontier.

**Clerk:** Question –

550 **Hon. D J Bossino:** Mr Speaker, but one I think relevant and serious point that arises from the answers he has just given to the Hon. the Leader of the Opposition is whether, when answering the... although I did not pose it specifically. When researching the answer to the question that I have posed in relation to private vehicle traffic, whether that ought not to have put him on inquiry in relation to whether there has been a consequential decrease in the number of visitors to the Upper Rock. That is the question I pose and  
555 he simply says, ‘Look, I don’t know’, and that is his answer on the record.

But I really must insist whether he has any inclination, any information available to him, any indication at least, as to whether there has been a consequential decrease in the number of visitors to the Upper Rock Nature Reserve. I think that is certainly, from my personal prospective, the important point which arises from the reply he has just given to the Hon. the Leader of the Opposition.

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**Hon. N F Costa:** Mr Speaker, once again the question is cast in very specific terms. As I am sure that he understands I do keep... well, not just myself, but of course the Gibraltar Tourist Board and people in my Ministry, we do keep an ongoing review of the number of visitors that come into Gibraltar.

565

Those visitors that come to Gibraltar do so by walking into Gibraltar, private vehicles, through tour operators and of course, we also have the cruise liner passengers who disembark and also go to the Upper Rock.

570

So I am more than happy to engage in answering his questions, but I would rather that we do it scientifically and forensically, rather than on an overall memory exercise that I would have to do now, rather than being able to go through the figures and bring them to him in this House and he can then ask me the supplementaries that he wishes on that information.

575

**Hon. D J Bossino:** Mr Speaker, is he telling the House that he has no indication whatsoever whether the figures are at least going up, down or more or less the same? Whether there is a worrying trend or something that one ought not to be concerned about, precisely because of the other channels of sources of visitor arrivals which have come through from the various points that he has mentioned? Can he at least clarify that position for me?

580

**Hon. N F Costa:** Mr Speaker, yes. I have already clarified the position to the hon. Gentleman. I told him that his own analysis with which I agree, was that there were two months, August and September when the numbers were down and I have already replied to him that, in order for me to be able to say whether I am worried about whether there is a steady decrease or there was a two-month anomaly, I would like to see figures for a stream extending more than two months. Surely in terms of statistics on numbers we would have to take an annual view or at least a six-month view and not on the basis of two months where there has been a decrease, decide whether or not that will have an impact on the rest of the year.

585

I have also told him that I am more than happy to engage in answering his questions on the other modes of entering into Gibraltar, but rather than doing an exercise based on my recollection, on my discussions with my officials, when we have considered the statistics and we have spoken to transport operators, etc that he does so properly by giving me notice of the question. I will more than happy to provide that to him and my view of those statistics, but over an annualised period, rather than basing on a two-month period, which I am sure he will agree with me, would give a skewed result.

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**Hon. D J Bossino:** Yes, but Mr Speaker, it is the Minister for Tourism who has referred us to the despicable behaviour by the Spanish Government in the manner that it has behaved (**Several Members:** Hear, hear.) at the frontier. Yes, it is. That is... there has to be... Mr Speaker, that behaviour has to be – (*Banging on desks*)

600

Look, Mr Speaker, the Hon. the Leader of the Opposition has condemned the behaviour by the Spanish Government and this Party clearly condemns that behaviour as a collective. But Mr Speaker, surely then, he must... he must say, Mr Speaker, he must admit, that this cannot be the result of a two-month anomaly. I mean, if he is citing what is happening at the frontier which must be the obvious reason as to why there is such a huge reduction in the number of vehicular traffic accessing the Upper Rock, then surely given that the – borrowing the Hon. Chief Minister's word – 'choke-hold' at the frontier continues relentlessly, then surely one would expect that that will not be an anomaly and that that it will continue for many months to come, it seems. Does he not accept that analysis and the premise of the argument that I have just put to him?

605

**Hon. N F Costa:** Mr Speaker, this is bordering on the politically absurd.

610

I have already told the hon. Gentleman that I refuse to be drawn into making a hypothesis on the numbers, as the number of people that would be coming into Gibraltar for the rest of the year on his own analysis which was [*inaudible*] across the floor of this House, not just seven minutes ago, that the number of visitors were down in private cars in September and August. And he notes also in the preface to the question, that the other months were more or less where they were meant to be.

615

So if the other months were more or less where they were meant to be and the only decrease relates to August and September, then I suggest to him that we wait until we have the full picture, which will be to take into account the full year, and then we can talk about the *facts* – the statistics – rather than me hypothesising and speculating as to whether or not there will continue to be an August and September, or

whether it will be a January, February, March and April which were more or less the same as the year before.

620 **Mr Speaker:** Next question.

625 **Lester Hotel, Devil's Tower Road**  
**Expressions of interest in development**

**Clerk:** Question 546, the Hon. D J Bossino.

630 **Hon. D J Bossino:** Mr Speaker, can the Minister for Tourism advise whether there has been any further developments whether by way of a further expression of interest or otherwise, in relation to the development of the Lester Hotel at Devil's Tower Road?

635 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Hon. D J Bossino:** Mr Speaker –

**Mr Speaker:** I think we have missed a Question – Question 545.

640 **Clerk:** No, we have not, it is 546. Question 545 is going to be answered by the Minister for Health. (*Interjection*) Correct.

645 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Mr Simon Lester of Lester Hotels came to see me on Friday, 3rd May of this year to update me on the project.

Mr Lester subsequently attended a meeting of the UKGTA in London in June 2013 as an observer. He gave a brief update on the project at this meeting. The GTB and I have had further e-mail correspondence with Mr Lester.

650 All I can say at the moment is that it is the present intention of Mr Lester to proceed.

655 **Hon. D J Bossino:** Mr Speaker, my first reaction is to welcome the news on the basis of the... The last occasion I asked in relation to this particular hotel was in September 2012, more than a year ago. The reply that the Hon. the Minister... This is the Lester Hotel – I see his bemused expression, I thought I had got it wrong.

The reply from the Hon. the Minister was that, pretty much, the thing had died a death because he had failed, I think it was, to pay his... the application fee for planning permission and then both the Hon. Leader of the Opposition and myself quizzed him as to whether he was making any further enquiries, given that this was potentially an important investment in Gibraltar. This was a hotel which I think at least the original plans were to build it at Devil's Tower Road. So what I can tell the Hon. the Minister is that I do welcome the news and the fact that there is a further expression of interest by the potential investor and that the Government is lending him a friendly ear and assistance I am sure in that regard.

665 Can he tell me, I do not know, whether there is any specific progress? Has the application fee been paid for planning permission? What further information, what further particulars can he give me so I can at least perhaps even have a time line as to when it is expected that the hotel will go up, whether there is anything which will delay or even prevent the proceeding of this particular project?

**Hon. N F Costa:** Mr Speaker, on a point of clarification, and whereas I do not have the Hansard excerpt which I normally do, I am quite sure I did not say that the matter had died a death.

670 What I told the hon. Gentleman and the Leader of the Opposition at the time was that Mr Lester had not paid the application fee and that I had made enquiries and that that was factually the position. But I did not suggest as a result of that it had died a death, but rather that the matter had not been progressed by the potential developer.

675 Since the answer to this House, there were developments by the developer and I have set them out in the answer to his original question. The matter is very much in the hands of the developer. He knows the support that the GTB and I are willing to give him in the event that he were to start the process. We spoke about marketing opportunities, marketing channels, how the Gibraltar Tourist Board is geared up to be able to market the project once it starts and when it starts is a matter entirely for him. He did relate to me the reasons in a private meeting which are of course entirely confidential, but I am sure that he will know

680 that I am just as eager as him as is everyone on this side of the House, for there to be an increase in bed stock of the quality that Mr Lester proposes to build, so as soon as he starts we will welcome the proposal and the project with open arms. I will also receive marketing support from the Gibraltar Tourist Board.

685 **Hon. D J Bossino:** Mr Speaker, this is based on information that I have received. Can the Hon. the Minister for Tourism advise whether there is any linkage between this potential project and the east side development?

690 **Hon. N F Costa:** Mr Speaker, the only way I can answer that question is 'not that I am aware'. When we spoke on the 3rd June or the date that I gave him, there was no mention at all of discussions in respect of the east side. We spoke of a very specific plot of land which is the same plot of land that was determined when they were in Government.

695 **New cruise terminal  
Progress in development**

**Clerk:** Question 547, the Hon. D J Bossino.

700 **Hon. D J Bossino:** Further to Question 702/2012, can the Minister for Tourism advise whether any progress has been made in relation to the possible development of a new cruise terminal?

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

705 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker.

As I stated in answer to Question 702/2012 and after consultation with the local cruise agents and senior executives of cruise companies, I can assure this House that they are perfectly satisfied with the current facilities at the cruise terminal and that therefore monies would be better spent elsewhere.

710 May I take the opportunity to remind the House, Mr Speaker, that the existing cruise terminal was a project started by the GSLP Government and inaugurated by the GSD when in office. Therefore Mr Speaker, it gives me great pleasure to say that there are currently no plans to build a new cruise liner terminal.

715 **Hon. D J Bossino:** Mr Speaker, what an interesting lesson in history – what an interesting lesson in history there!

Well, Mr Speaker, as I understand the answer, the Government has decided not to proceed in relation to, the question was specifically, the possible development of the new cruise terminal. Apparently the basis for that is on the grounds of consultation which has been undertaken by his department no doubt. Now the question is this, because in their manifesto the GSLP Liberals promised that they would be providing, and I quote, 'improved terminal facilities'.

725 So, in the context of my question which dealt with possible developments in relation to the terminal, my question is, how are they going to make that particular manifesto commitment good. And in a spirit of constructiveness, can I tell him that from the little I know of the cruise liner industry, I am advised that – and I think it was mentioned in the manifesto itself which was a page which I assume that the Hon. the Minister had a hand in drafting – that the industry is looking in the future at the hop on/hop off facility. As I understand it the cruise liner terminal as it stands at the moment is not equipped to provide that facility. So can the Minister provide any information in relation to that?

730 **Hon. N F Costa:** Mr Speaker, in respect of some of the preface of his supplementary question, the consultation was done by my staff and myself so I spoke personally to the cruise liner executives in Miami and in the UK and also locally. In fact I think one of the first e-mails I received when in office, was an e-mail from I would say the biggest cruise local agent in Gibraltar, setting out to me in enumerated paragraphs why money should *not* be spent on a new cruise liner terminal. That advice was in fact echoed by everyone else that I met.

735 This is why I say in the answer to my question that it is £380,000 I believe the amount to be spent or was it £3.8 million rather? It was £3.8 million. Yes, it was £3.8 million because it was just underneath the threshold tender for an EU tendering process. Yes, it was £3.8 million for sure and it certainly was the case that £3.8 million could be much better spent differently.

740 He seems now to be amalgamating this question with another one as to the hop on/hop off issue. That  
has been, I am advised by the Hon. the Chief Minister, an issue since 1998 which has been a live one  
discussed by the local operators, etc and in respect of the – to take the last supplementary question, he  
gave me two, in respect of the manifesto commitment on the cruise liner terminal, that we would improve  
745 the liner terminal, we have already done some work, as I am sure I must have mentioned in the Budget  
address.

We have attended to creating a new canteen within the cruise liner terminal building, we have also  
better prepared existing surfaces, we have painted the walls at the terminal, we have removed the  
humidity that was there and we are also considering whether there is any use to the disused part of the  
750 building which is at the south.

**Marketing, promotion and conferences**  
**Head 30, Tourism expenditure**

755 **Clerk:** Question 548, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism provide a detailed breakdown of the expenditure  
described as ‘marketing, promotion and conferences’ in Head 30 of the Estimates Book under Tourism?  
760

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):**  
765 Yes, Mr Speaker, I will be delighted to hand over to the hon. Gentleman a schedule with the information,  
if he were to supply to me the year to which he refers.  
Which year do you want?

**Hon. D J Bossino:** Mr Speaker, when I phrased the question, to be honest I did not have a particular  
770 year in mind. I was referring to the Budget Book which... and I will tell him what was the cause of  
concern in my mind. There was an actual expenditure of £27,261 for 2011-12 and then an estimated  
figure with a forecast outturn for 2012-13 of £45,000 in each column and then obviously for this budget  
year, the Hon. the Minister has budgeted in relation to that particular item another £45,000. So really  
775 what I wanted was an explanation as to why he considers that there is such an increase from £27,000 to  
£45,000. Does that assist?

**Hon. N F Costa:** So, Mr Speaker, are we talking then of 2012-13 or 2013-14?

**Hon. D J Bossino:** Yes, it is obvious from the explanation that I have given, Mr Speaker, that the  
780 Hon. Minister’s interpretation of what I have just told him is correct, 2012-13.

**Hon. N F Costa:** So Mr Speaker, then if the hon. Gentleman could take me once again to the  
particular item that he wants to question me on, and I will do my best to assist him.

**Hon. D J Bossino:** It is clear on the face of the question. It is Head 30. In fact, I was referring him to  
785 the wrong one. It is actually Head 30... The reason being that there are two questions posed in almost  
exactly the same terms which deal with the Tourism Head and also the Port and Shipping. The one I  
referred to, the figures I gave him earlier were wrong. They referred to the Port and Shipping Head,  
whilst the figure related to Tourism are there... It is at page 104 of the Budget Book and it is Head 30,  
790 subhead (3).

It is the description, Mr Speaker, the Hon. Minister is asking for a description, it is ‘Marketing,  
Promotions and Conferences’ and then it is sub-divided into (a) Gibraltar Tourist Board and (b) London  
Office. I am in fact more interested in the Gibraltar Tourist Board figure.

I do apologise if the question was not asked in as particular a manner as he would have liked for him  
795 to provide me with the information. I am not sure whether he has the information there available, but it is  
a matter which can be stood down for, either he can write to me during the course of the next month or I  
can indeed pose the question again at the next sitting.

**Hon. N F Costa:** Mr Speaker, I have no issue writing to the hon. Gentleman, now that he has been  
800 able to clarify the scope of the question and the year.

**Small boat marina  
Construction developments**

805 **Clerk:** Question 549, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, I hope this question has sufficient particulars for the Hon. the Minister to answer.

810 Further to Question 94/2013, can the Minister for the Port advise whether there have been any developments in relation to the construction of the 700-berth small boat marina and, if so, what these are?

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

815 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I am delighted that the hon. Gentleman should feel so comfortable in trying to make light of the fact that he forgot to state in the question the year to which he refers and that he should then have the tongue in cheek to try and make fun of it when he rises, rather than to silently forget the fact that he asked a question to which one could not know the answer because the year was not cited.

820 Be that as it may, Mr Speaker, the construction of the 700-berth small boat marina is going out to public tender in accordance with the Public Finance (Control and Audit) Act 1977, Procurement (Public Contracts) Regulations 2012.

Sufficient particularity there, Mr Speaker, and the tender notice has already been issued.

825 **Hon. D J Bossino:** Mr Speaker, I thought the question was pretty clear on the face of the Budget Book and the Hon. Minister knows that whenever he has any doubts in relation to any questions that I may have posed, he normally picks up the phone and asks me. But clearly he wanted to have his day in Parliament and choose to embarrass me. So be it. In fact, on a question which I am sure he could have answered just by picking up the phone if he wanted any further particulars – particulars which, in my  
830 view, were clear on its face.

But, Mr Speaker, in relation to the 700-berth small boat marina, is the Government still confident that it will be able to complete the projects within the two years of this Parliament, because they are very...? The Hon. the Minister for Justice is obviously very excited about this particular project, no doubt, because he has a very close involvement with it. But does he remain confident that he will be able to complete this project within the two years of this Parliament?  
835

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman knows that I hold him in very high esteem and therefore it is hard for me to say these things, but in respect of the last question, he has embarrassed himself. He did not need me to embarrass him by forgetting the year, I am sorry.  
840

And we are not just confident; we are sure.

**Hon. D J Bossino:** Mr Speaker, the Hon. the Minister gave a very technical reply to the question that I posed, and I would simply remind him of what he told this House in February of this year, in relation to the projects when I posed the question.  
845

He had told me that plans had been drawn up for the small boats marina; he said that the project was at the technical assessment phase, in terms of analysing a wave study and commissioning geo-technical surveys, etc – the environmental stage commission, the appropriate EIA, the maritime navigation assessment phase – can he give me any particular progress that has been made from February to date?

850 **Hon. N F Costa:** Mr Speaker, yes, delighted.

The hon. Gentleman refers to Question 94/2013 where I do set out the various studies and surveys which were being conducted. Those have obviously now been carried out, which has allowed us to proceed to the tender stage.

855 **Hon. D J Bossino:** Does he at this stage have an estimate of the cost of the project?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this is an issue that has come up on a number of occasions, in particular when we are dealing with something that is going to go out to public procurement. At the estimate stage, the Government is not going to give that information across the floor of the House or put it in the public domain because of course that could affect the competitiveness of the tender process and the value that the taxpayer gets for its money. I think the hon. Gentleman will understand that.  
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865 Once a tender is awarded, it is awarded in a particular amount and that amount is disclosed, but we are in the middle of the tender process and therefore it would not be appropriate to provide that detail.

870 **Marketing and official visits**  
**Head 29, Port and Shipping expenditure**

**Clerk:** Question 550, the Hon. D J Bossino.

875 **Hon. D J Bossino:** Can the Minister for the Port provide a... Well, this is the question which arises, it is the same point where the Minister has asked for better particulars, so I will treat that question in the same manner as I have done with Question 548, Mr Speaker.

**Mr Speaker:** Well.

880 **Clerk:** Well, could the Hon. Minister...?

**Hon. D J Bossino:** Shall I pose this formally?

885 **Mr Speaker:** Read it out.

**Hon. D J Bossino:** I will read it out.

Can the Minister for the Port provide a detailed breakdown of the expenses incurred under the 'marketing and official visits' head in Head 29 of the Estimates Book?

890 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

895 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, must I also read my answer or can I just agree across the floor of the House to send information to the... I need to read it?

Well, without any animus whatsoever to restart the debate we had two questions ago, I will be delighted to hand over to the hon. Gentleman a schedule with the information, if he specifies the year to which he refers.

900 **GibiBikes**  
**Update**

905 **Clerk:** Question 551, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. Minister for Transport provide this House with an update in respect of the GibiBikes urban bicycle rental facility?

910 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

915 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the position with the GibiBikes urban bicycle rent facility remains as set out in answer to Questions 927 of last year and 89 and 91 for this year.

920 The House should further know, Mr Speaker, that notwithstanding the best endeavours of the Gibraltar Bus Company and my Ministry to reach an amicable resolution with My Bike Station Limited to resolve the various problems set out in answers to previous questions, it became clear that an impasse had been reached. Her Majesty's Government of Gibraltar therefore instigated court proceedings in the Supreme Court of Gibraltar against My Bike Station on 27th July this year.

Furthermore, Mr Speaker, the hon. Gentleman opposite has been kept apprised by me of developments on confidential terms.

925 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer in the House this morning and certainly, as he will appreciate already, grateful for the opportunities that he has given me to discuss this matter on Privy Council terms and the information that he has provided me with over the months.

I have brought this matter to light once more in this House, Mr Speaker, in order to effectively appraise the public and those users of the service – I suspect in declining numbers – who have expressed concern at what appears to be the unrelenting and inevitable loss of a service that they have come to rely upon over months and years, I think it is now.

930 I would ask the Hon. Minister whether... and I have not asked these questions specifically, so if he does not have the information, then certainly I will ask in future sessions. Is he able to say how many of the bikes that were within the system are... continue to be available today?

935 **Hon. N F Costa:** Yes, Mr Speaker, out of a possible 130, five remain working. Five, yes. As the hon. Gentleman knows, the bikes come installed with a particular chip which is required for the system to operate. Unfortunately, because of the problems that we have had with the supplier, we have been unable to fix the bikes. The hon. Gentleman knows, given our confidential briefings, that we really have tried to resolve the issue with the existing supplier. It certainly was the last resort to have to start proceedings but, representing the taxpayer, I felt that we have not been provided the service to which the previous administration contracted and we saw that there was no other choice but to start court proceedings.

940 **Hon. S M Figueras:** Mr Speaker, would the Hon. Minister say in this House whether the Government is exploring options for an alternative urban bicycle rental facility and if they are, at what stage these explorations might be?

945 **Hon. N F Costa:** Mr Speaker, I know that the hon. Gentleman asks me these questions across the floor of the House, but I know that he knows, because I have told him, that we are actively pursuing different options with companies outside of Gibraltar, obviously, because there is no resident expertise. With one particular potential operator, I would say that we are quite advanced, in that they should be in the process of forwarding to me – if they have not done so this morning or yesterday – quotes for an entirely new urban bike scheme.

950 **Hon. S M Figueras:** I am grateful to the Minister for that answer and certainly that would imply – and I will not ask him simply, because it is almost too obvious – that by that reply, the Government appears committed to replacing the urban bicycle rental scheme at some point during this term, given the state of play with the new potential suppliers. I will wait with some excitement for news of developments in that regard.

955 I do have one final question to ask the Hon. Minister and that is would the Minister concur that – and again with hindsight it is very easy to assess these matters in the way that I am going to – would the Minister concur that it might perhaps have been – in the face of a deteriorating system and the difficulties that were being experienced, would it have been perhaps – better to take the initiative and suspend the service in a manner that, might not, whilst inconvenient, would not have run the risk, as I suspect it may well have, of putting users off the concept generally, killing it rather than letting it die a death? Would the Minister not concur with that observation?

960 **Hon. N F Costa:** Well, Mr Speaker, first of all, to answer the preface to the supplementary, he says that the Government appears to be committed to replace the existing scheme with a new scheme. Well, I think it is fair to say that that forms part and parcel of the integrated sustainable transport and traffic plan and one of the questions that has been asked in respect, not just of Government Departments, but of course the surveys that have been conducted at households and on the street, are whether people would use bicycles as a mode of transport to go to work or for other use, and that will certainly factor into that.

965 I think it is no secret to say that bicycles, the use of bicycles, are welcome and then of course this is the reason why, given that the potential reply in that integrated policy will be that the use of bicycles should be advocated, like walking, and not the use of cars to go to work, for instance. We are already looking that should that be the conclusion, we would have a supplier in place to be able to come into Gibraltar and provide the new rental facility.

970 As to whether we should have suspended the scheme rather than let it die a death, well unfortunately right now it is an ailing patient, there are only five bicycles, but it is not dead yet. There are still operatives with the GibiBikes scheme that work with the Gibraltar Bus Company and the reason why the system was not cancelled was because, perhaps naively of me, I thought at different junctures that we were close to coming to an agreement that would have enabled us to fix the bikes, go from five or 12 at the time or 22 to 130 and have an operating effective system which would have resumed. That is why it was not cancelled.

990 **Hon. D J Bossino:** Mr Speaker, in fact I think the Hon. the Minister if he recalled when I had my hon. and learned Friend's responsibility for transport, I did raise questions in relation to the GibiBike scheme and in fact I think the way that we left it last year was that there were broadly two issues which had to be resolved. I recall that one of them was contractual in nature and the other one I cannot remember at this stage. But then when I asked the question, I was told that both those broad issues had been resolved and that we were now in the process of seeing the scheme developing and flourishing. So I am very glad for his last reply.

995 But, given that the relationship with the current previous supplier and the Government is now no longer there, can I ask what the nature of those proceedings are?

1000 **Hon. N F Costa:** Mr Speaker, in respect to the preface to his supplementary, he is in fact referring to Question 97/2012, where I do in fact say that the Government had identified problems, that we had met with the supplier and that it had been resolved. I even went further and said that it is expected that the remaining bike stations will be in place within the next few months. So his recollection is absolutely correct, we came to the point where we thought that everything had been resolved and it was just a question of bringing the bike stations to Gibraltar.

1005 As to the nature of the proceedings, I have briefed his hon. and learned Friend in confidence. I have no problem in doing the same with him, but I think that it is not appropriate to go into the nature or the detail of proceedings across the floor of the House, the matter being *sub judice*, but as I say, it does not stop me from further briefing Members opposite, should they wish to have further details in the same way that I was more than happy to do so with Mr Figueras.

1010 **Hon. D A Feetham:** Mr Speaker, the claim form – and I quite understand the desire and if it is acceptable on this side, by all means we will accept briefings on confidential terms – but a claim form and the particulars of claim, depending how they are filed, are public documents.

1015 Now, the issue that concerns me in relation to the answer that the hon. Gentleman has given and perhaps he might want to reflect on what I am about to say to him, is that if the claim, and I do not know, but if the claim is a claim for damages, perhaps, or specific performance with damages as an alternative (A Member: Or both.) or both, the problem with the answer that the hon. Gentleman has given to this House, is that he is already searching for alternatives and it appears that the relationship has broken down and therefore it might affect and might impact on the claim for specific performance.

1020 Perhaps the hon. Gentleman might want to reflect on that and perhaps clarify that what he is not suggesting is that the Government has, at this moment in time, already made the decision to look for an alternative, but the Government is looking for an alternative, should the Government need to look for an alternative depending on how the proceedings go in relation to the claim for specific performance. Of course, these are public proceedings and it may be used against the hon. Gentleman.

1025 **Hon. N F Costa:** Which is why, Mr Speaker, I noted to the hon. Gentleman that the Government is actively considering different options, and, as the hon. Gentleman correctly notes to me, they are public documents, so you are more than happy to get a copy and we can discuss them.

1030 **Bus fleet  
Update on replacement**

**Clerk:** Question 552, the Hon. S M Figueras.

1035 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister for Transport provide this House with an update on the replacement of the Gibraltar bus fleet?

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

1040 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, following a pre-qualification questionnaire, five companies were invited to tender. These companies have submitted their proposal and vehicles have been brought to Gibraltar for testing.

1045 The result of these tests, together with the tender submissions, are currently being considered by the Procurement Office Board constituted to consider the tender. It is anticipated that this Board will be making its recommendations to Government in the near future and the Government expects to announce an adjudication of this tender in early December of this year.

1050 **Hon. S M Figueras:** Can the hon. Gentleman say whether... or rather is the Hon. Minister able to say whether there is a time frame in mind, once the process is complete – I am mindful that he has just said that they are in the tender process – whether there is a time frame for delivery of or for the roll out of the new buses in the coming months and years that he may be able to share with us?

1055 **Hon. N F Costa:** Yes, Mr Speaker, the answer is from what I am told by the Procurement Office, because of course it is not dealt with by my office directly, that once the buses are ordered it should take 12 months.

1060 **Hon. S M Figueras:** Can the Hon. Minister say whether, of the tenders being considered, any of them are for eco-friendly vehicles and if they are, the nature of those vehicles whether in the one or two or all the tenders? A general indication would be welcome.

1065 **Hon N F Costa:** Mr Speaker, first of all, it goes without saying that as a Government we would wish to choose the most environmentally friendly vehicle, but of course, we are not considering tenders yet. We are not considering tenders yet. I said in my original answer to the question that we have to wait to receive the recommendations of the tender board, so I cannot answer the question that he has just asked me.

1070 **Bus fleet maintenance**  
**Catering for gaps in resources**

**Clerk:** Question 553, the Hon. S M Figueras.

1075 **Hon. S M Figueras:** Yes Mr Speaker, can the Hon. Minister for Transport provide details of the steps being taken to cater for the gaps in resources being experienced as the aging bus fleet undergoes routine and unexpected maintenance?

1080 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1085 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the steps that the Gibraltar Bus Company Limited can undertake to cater for any gaps in resources remain as contractually set out in the agreement Her Majesty's Government of Gibraltar inherited from the previous administration and to which it is contractually bound until August 2014.

**Hon. S M Figueras:** Mr Speaker, am I to take from the Minister's reply that he is not open to discussing what it is the bus company is actually currently doing in relation to filling the gaps in resources that they are experiencing, in terms of what replacement vehicles are being used and such like?

1090 **Hon. N F Costa:** Mr Speaker, it is not that I am not open to discussing any supplementaries that the hon. Gentleman asks me. I am simply answering the question that he has, and the bus company is tightly bound contractually to a particular private operator in terms of how it can manoeuvre to fill in gaps and resources.

1095 But if he wants to know the logistics and the mechanics, if a Dennis Dart bus were to for whatever reason require some maintenance or repairs, then a replacement Dennis Dart bus is used. If a Mercedes bus is used, then that has to be sent to Spain for repairs and another bus, Toyota Coaster or another Toyota would be used to replace it.

Those are the simple logistics of filling in gaps when one bus is undertaking repairs.

1100 **Hon. S M Figueras:** Mr Speaker, I note what the Hon. Minister says. However, in respect of at least the Dennis bus, just picking up on an example that he has given, the Hon. the Minister has said that if a Dennis bus breaks down, then another Dennis bus replaces it on the route. I have noticed certainly personally and others have seen, that there are replacement buses which are not Dennis buses currently servicing certain routes, namely Toyota Coasters as well.

1105

**Hon. N F Costa:** Yes, that is why I mentioned Toyota Coasters.

**Hon. S M Figueras:** Right, but since the Minister mentioned that if a Dennis bus is undergoing maintenance another Dennis bus will replace it, if there is a finite number of Dennis buses and one

1110 assumes – and I will be corrected if I am mistaken – that all Dennis buses are being used or are already deployed on routes in Gibraltar, that where one is undergoing maintenance and another replaces it, surely you are already short of one because they are all deployed.

I do not know whether perhaps the Minister can provide further information in that regard.

1115 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct to say that if, for instance, a Dennis bus breaks down and requires repairs, then the bus managers will look at which buses are available for that particular route. The hon. Gentleman also needs to take into consideration that it depends when a bus breaks down, that a particular route may be a slow route or one which is not generally used, so that the managers can in fact delay the timetable by say five minutes and there is one bus less.

1120 But what the hon. Gentleman needs to take into account, as I have said in the answer to the question, is that we are bound by the contract that is in place and we are very much limited by those contractual restraints.

1125 **Mr Speaker:** Next question.

**Taxi drivers  
GPS enabled taxi meters**

1130 **Clerk:** Question 554, the Hon. S M Figueras.

1135 **Hon. S M Figueras:** Mr Speaker, yes, can the Hon. Minister for Transport say how he plans to tackle the lack of availability of taxi drivers at any given time to take full advantage of the new GPS enabled taxi meters?

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

1140 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, in the first place, I cannot accept the premise of the question which is cast in extremely wide and general terms. It is not the case that there is a lack of taxis, which is what I suppose he meant, rather than a lack of taxi drivers, because there are more taxi drivers than there are taxis. So I am reading his question to mean a lack of taxis at all places and at all times.

1145 In fact, since the introduction of the new Taxi City Service regulations and the employment and deployment of seven Transport Inspectors, I have received consistent positive feedback on the much improved city service. (**A Member:** Hear, hear.)

1150 Further, and as I have said on previous occasions in this House, the new GPS tracking system which provides real time vehicle positioning and status updates together with the recruitment of the inspectors, allows Government to monitor our roads, taxi ranks, the coach terminal and the airport.

Therefore, if a Transport Inspector receives a dispatch call, a complaint or appreciates that there is a lack of availability of taxis in a particular area, the officer has the legal power to immediately instruct a taxi to attend the area where the service would need to be provided. This was a power that did not exist before until the amendments were introduced.

1155 I conclude by reminding the hon. Gentleman that the effectiveness of the new system is actually being monitored daily by the Inspectorate, whom I meet very regularly, as indeed I do with the Gibraltar Taxi Association and, as I noted in my Press Release of 29th July, the Gibraltar Taxi Association and I have agreed, of course along with the Transport Inspectors, to review the situation three months from the date of the new City Service, to determine any changes that are required to be made.

1160 **Hon. S M Figueras:** Mr Speaker, by way of clarification and this might be of some help to the Minister, the question was drafted specifically in terms of taxi drivers, given representations that I have received certainly from a number of taxi drivers, that the system, for all its virtues and positive feedback though you may have had since its inception – all of which is certainly welcome on this side of the House, as I am sure community wide – the representations that I have received is that it is a very good system, but a system the effectiveness of which is limited only by the availability of numbers at any given time, hence phrasing the question of taxi drivers available in any given time.

1170 It may well be that, in the Minister's assessment, there are enough taxis certainly, but if at any given time there is a lack of taxi drivers driving those taxis, the effectiveness of the system may be limited thereby. That was the point of the question being asked.

I am grateful to the Minister for the replies and certainly take note of the fact that this is something that is under review and we will revisit at some point in the future in this House and I am grateful.

1175

**Coach park  
Location on former Naval Grounds**

1180 **Clerk:** Question 555, the Hon. S M Figueras.

**Hon. S M Figueras:** Yes Mr Speaker, I note that the question is directed at the Minister for Traffic but that the Minister for Transport will be answering it.

1185 Can the Hon. the Minister for Traffic say how long the coach park will be located on the former Naval Grounds?

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

1190 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, to facilitate the construction of the affordable housing scheme on the site of the current coach park at Waterport, the coach park will temporarily be moved to the Naval Grounds.

Details are currently being finalised for the permanent relocation of the coach park and an announcement on this will be made in due course.

1195 **Hon. S M Figueras:** Is the Hon. Minister in a position to confirm that the permanent location of the coach park is intended to be the site of the old airport?

**Hon. N F Costa:** Mr Speaker, different options are being considered.

1200 **Hon. D J Bossino:** Mr Speaker, is the old terminal one of those options which are being considered?

**Hon. N F Costa:** Mr Speaker, *all* means that.

1205

**Public service vehicle access to border area  
Alternative options**

1210 **Clerk:** Question 556, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for transport say further to Question 217/2013, which options the Government is exploring for public service vehicle access to the area of the border during peak times as an alternative to the runway crossing?

1215 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1220 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the position remains the same as set out in my answer to Question 217 of this year.

**Hon. S M Figueras:** Mr Speaker, the Minister in answer to Question 217 said, and I quote:

‘...that at this point I would only like to say that there has been some extensive consultation with different operators...’

1225 He mentioned the GFSB and various other stakeholders as part of that consultation and this was back in May of this year. Has there been no progress on that agenda since that meeting, Mr Speaker?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I think I have given some details to the House previously in respect of this potential matter.

1230 Of course, the hon. Gentleman is talking about an area which is not controlled by Her Majesty’s Government of Gibraltar. Much of the area in question is controlled by the Ministry of Defence. We are talking about a military runway and therefore this is an issue that is being dealt with principally by me in

1235 relation to discussions with the Ministry of Defence, and those are not things that move quickly or apace sometimes, given the safety issues that affect crossing the runway other than at Sir Winston Churchill Road.

So Mr Speaker, there is nothing more to report at this time. When there is, I have no doubt that we will want to make a public announcement about it, if those options progress.

1240 **Hon. S M Figueras:** Yes, Mr Speaker, I am grateful to the Hon. the Chief Minister for his input. The MOD issue is not one that was flagged in reply to the original Question 217 in May, but certainly the Minister did intimate that discussions were afoot and that options were being considered. Certainly he did suggest that we should revisit the issue a few months hence and this is where we are today. Is the Government in any position to disclose what options if any are being considered?

1245 **Hon. Chief Minister:** Mr Speaker, when one is forthcoming with information, one finds that it is constantly then thrown back at one.

Mr Speaker, I thought it would have been obvious to the hon. Gentleman that by talking about the runway, he is talking about the Ministry of Defence and that one did not have to explicitly flag up the Ministry of Defence, because it is implicit when we are talking about the runway.

1250 But if I can just refer him to the subject of the question, he is talking about public service vehicle access to the area of the border during peak times as an alternative to the runway crossing.

1255 Well, Mr Speaker, look, if one wanted to be pedantic and not give him information, one would say there is no alternative of access to the frontier, other than through the runway. Whether that is across Sir Winston Churchill Avenue or whether it is elsewhere on the runway, it *has* to be on the runway unless we are proceeding with a tunnel, in which case I would have expected the question was about the tunnel or about the new, environmentally friendly floating buses that would have to float their way somehow to the border. (*Laughter*) I mean... So Mr Speaker, it clearly must be an issue that he would have understood was in discussion with the Ministry of Defence.

1260 Now look, whenever there is something to report, there will either be a public statement or there will be something said in this House. He must agree with me that it is desirable that we should find, if possible, alternatives for public service vehicles, so that they do not have to get caught, not necessarily in queues coming north to south; we are talking more about queues going south to north at different times of the day, and not necessarily related to the issues that we have today at the frontier, simply traffic issues.

1265

#### **Mid Harbour Small Boats Marina Project Hindrance to cruise liners**

1270 **Clerk:** Question 557, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Mr Netto is currently giving evidence in the Giraldi Inquiry, so instead I will be asking his questions today.

1275 Mr Speaker, given the overall dimensions of the Mid Harbour Small Boats Marina Project, can the Minister for the Port state if he is satisfied that such a size will not hinder the movement of large cruise liners within the Port?

1280 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1285 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as part of the planning process the Port was consulted by the project manager on a number of occasions. The area specified as being suitable for the development of the Marina, was agreed. In doing this, a minimum clearance of 400 metres was specified which will provide adequate manoeuvring space for any vessel which is of dimensions able to use the berth on the inside of the Western Arm.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say who the experts are that he consulted in order for this conclusion to have been arrived at?

1290 **Hon. N F Costa:** Mr Speaker, I have just said in the answer to the question that the Captain of the Port was consulted by the project manager.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister referred to a survey in answer to Question 549 to my hon. Friend, Mr Bossino which enabled the tender process to go ahead. Could Parliament have a copy of the findings of this survey?

1300 **Hon. N F Costa:** The environmental impact assessment, the copy was forwarded by the Hon. the Minister for the Environment to the Hon. Mr Netto.

**Sandy Bay reinstatement and beach stabilisation  
Potential delay to project**

1305 **Clerk:** Question 558, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1310 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Tourism and the Port say if as a result of the Spanish Government's decision to stop the transportation of sand and stone through the frontier, will this mean a delay in the completion of the Sandy Bay reinstatement and stabilisation of the beach, including the combination of breakwater groynes, and if so, how does the Government intend to finalise the project?

1315 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, we do not expect any delays to arise in respect of the completion of the works in time for the next bathing season.

1320 With regard to the supply of sand for beach replenishment, Government has invited tenders for this prior to the announcement of the Spanish blockade. Tenders have now been received and are currently being assessed and an award of tender is expected shortly. There is no delay to this element of the project anticipated.

1325

**Terminal Management Limited  
Payment to former Commercial Manager**

1330 **Clerk:** Question 667, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister with responsibility for Aviation provide details to this House of the payment, if any, that has been made to the former Commercial Manager at Terminal Management Limited?

1335 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1340 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will be answering the question as Minister for Tourism and Commercial Affairs.

As I rise in this House to answer the question, I clarify that I understand the question to ask whether Her Majesty's Government of Gibraltar made a payment to the former Commercial Manager of Terminal Management Limited due to the termination by the previous administration of his position at Terminal Management Limited.

1345 The answer is that Her Majesty's Government of Gibraltar has made no payment to the former Commercial Manager at Terminal Management Limited for termination of his employment by the previous administration.

1350 **Hon. D J Bossino:** Mr Speaker, that answer applies to the Government-owned company as well. In other words, it was not a Government-owned company which has made any payment to the former Commercial Manager.

In other words, what I am asking is this: whether the Government has made any payment to the former Commercial Manager at the Airport. What I am asking is whether Terminal Management Limited itself has, which I understand is a Government-owned company, whether it itself has... It isn't?



1355 **A Member:** It is a private company.

**Hon. D J Bossino:** It is not? Ah, it is a private company. Yes, go on...

1360 **Chief Minister (Hon. F R Picardo):** Just to assist the House for the purposes of perhaps Mr Bossino then formulating a supplementary, if he wishes, Terminal Management Limited was always a private entity, which had an exclusive contract with the Government to run the terminal, and I believe that the directors were the shareholders of that company.

1365 **SPORTS, CULTURE, HERITAGE AND YOUTH**

**Fire Brigade Audit Report  
Publication**

1370 **Clerk:** Question 559, the Hon. Mrs I M Ellul-Hammond.

1375 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to the answer given to Question 218/2013, can the Minister with responsibility for the Fire Brigade say when the Fire Brigade Audit Report will be made public and what the main findings of it are?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1380 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I cannot state at this stage when the report is going to be made public. This will happen once the Government and the unions have finished the strategy of implementation of the report's relevant recommendations.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, has the Hon. the Minister already discussed the report with the staff and management?

1385 **Hon. S E Linares:** Yes, sir.

1390 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in May the Hon. Minister said the time frame would be no more than a further two months. When does the Hon. Minister envisage he will be able to provide a copy of this report?

**Hon. S E Linares:** Mr Speaker, as stated in the answer that I have just given to the question, once the Government and the unions have finished the strategy for implementation of the report's relevant recommendations. So until that time, we are not in a position to publish it.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. Minister have an idea of how long it will take to formulate the strategy?

1400 **Hon. S E Linares:** No, I do not have at this moment because it is a work in progress and until we have all the meetings with the union which we are having and discussing the report, we are not in a position to go out public with the report.

1405 **Gibraltar Cricket Association  
Provision of alternative facilities**

**Clerk:** Question 560, the Hon. E J Reyes.

1410 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure provide details of the alternative facilities which will be provided to the Gibraltar Cricket Association as a result and consequence of the loss of accessibility of Europa Sports Ground for the playing, teaching and development of the sport?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1415 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** No Mr Speaker, not at this stage, but I have met on various occasions with representatives of the Gibraltar Cricket Association, the most recent on 24th July and 13th August. We are still in discussions with them on this issue.

1420 **Hon. E J Reyes:** Mr Speaker, as a result of those discussions and so on, is the Minister in a position to home us into what sort of areas are being seriously considered by both sides as alternative facilities?

**Hon. S E Linares:** Not quite yet, no.

1425 **Hon. E J Reyes:** Mr Speaker, does the Minister have any possible time frame by which he hopes to have alternative facilities available for the Cricketers Association?

**Hon. S E Linares:** Well yes, Mr Speaker, it is determined by as soon as we start eating into the usage of the Europa Point. At present, cricket is still being played there, so there is no problem at this stage.

1430 **Hon. E J Reyes:** So Mr Speaker, can the Minister confirm that I am correct in deducting from that, in that until an alternative site and premises are available for the playing of the sport and so on, the accessibility to Europa Sports Ground will still continue in favour of the Cricket Association?

1435 **Hon. S E Linares:** Not necessarily, Mr Speaker.

**Hon. E J Reyes:** So, Mr Speaker, unfortunately for the cricket fraternity, there could be a period of time when they have no access to an actual playing field and so on?

1440 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, this is a balancing act, as the hon. Gentleman will know. It could be, but we certainly hope it will not be, and we will do everything possible to ensure that it does not come about, that cricket will not have facilities available because of the need to break ground on the GFA's UEFA standard pitch. Now, this is an issue of space and I am sure that the hon. Gentleman shares the Government's desire that cricket should have the best possible facilities available to it as the alternative to Europa as soon as possible.

1445 But unfortunately, Mr Speaker, in two and a half miles by one mile, it is not always possible to move with the speed that one would wish, but he must take from the answers to these questions, which do not just involve the hon. Member because it involves the wider land plan of Gibraltar, that the Government is moving with great alacrity to ensure that insofar as possible, there will not be a day when cricket will not have facilities available to it as a result of the need to also make available to GFA the alternative area in Europa which they and UEFA have identified as the best place for the GFA UEFA standard stadium.

1450

#### **Gibraltar Rugby Football Union Provision of renewed facilities**

1455 **Clerk:** Question 561, the Hon. E J Reyes.

1460 **Hon. E J Reyes:** Can the Minister for Sport and Leisure state if he has, since the answer to Question 519/2013, held discussions with the Gibraltar Rugby Football Union in respect of providing renewed facilities for the playing, teaching and development of the sport; and if so, provide details of any agreements reached?

1465 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have met with the Gibraltar Rugby Football Union on a number of occasions informally. A further meeting has been arranged for this month.

1470 **Hon. E J Reyes:** Yes, Mr Speaker.

I know that the Minister says that he has met them informally and that he has a meeting planned. I wish to express to the Minister a concern – and confirmation from him, if possible, that he also shares my concern – that recently in a sports report in the local daily paper, there was some concern being expressed by members of the rugby fraternity about having to borrow MOD facilities and having turned up on a weekend and those not being available due to other MOD things.

1475

So can the Minister confirm his sharing of my concerns, as well as those of all sports lovers, that we really have to work together with the rugby fraternity to get them adequate facilities to ensure that the sport progresses, more so in the light of their pending application for international membership?

1480 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to associate the whole Government with those sentiments because the Government has supported and will support the application of the Gibraltar Rugby Football Union to become federated internationally and will continue to do so.

1485 But I want to go a bit further, Mr Speaker, and say that we should not just be working on that together as a community, we should have the full support of the Ministry of Defence in doing so. The Ministry of Defence enjoys the facilities that the Government makes available to the whole community as members of this community – *important* members of this community as they are.

1490 And its own sports facilities should, in my view, therefore also be shared with the community insofar as possible, when security concerns are not relevant. This is an issue that I have taken up directly with the Ministry of Defence as part of the ongoing discussions with the Ministry of Defence about all issues related to defence in Gibraltar and the footprint of the Ministry of Defence in Gibraltar.

I am sure that he would want to associate with those comments too.

1495 **Hon. E J Reyes:** Yes, Mr Speaker, I will unreservedly associate myself with the feelings expressed by the Chief Minister. He can certainly count on the unanimous support as well from this side of the House. I think the Chief Minister, in his succinct manner, has analysed the situation carefully and certainly the whole of Gibraltar will unite behind the Chief Minister on that matter, for the benefit of sports, and keep our fraternal relationship with the MOD, but in equal sharing and we must all give as well as receive.

Thank you for that, Chief Minister.

1500

#### **Gibraltar Sports and Leisure Authority Vacancies**

1505 **Mr Speaker:** Question 562, the Hon. E J Reyes.

1510 **Hon. E J Reyes:** Can the Minister for Sports and Leisure say how many vacancies currently exist within the Gibraltar Sports and Leisure Authority and by when this Authority expects to fill these vacancies?

**Mr Speaker:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1515 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, there are two vacancies for the posts of Sports and Leisure Assistants. All applicants have already been interviewed and it is projected to fill the vacancies in November of this year.

#### **Sports grants Payments so far during 2013-14**

1520 **Clerk:** Question 563, the Hon. E J Reyes.

1525 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of payments made so far, pertaining to the financial year 2013-14, in respect of sports grants under each of the following: (a) grants to sporting societies; (b) international competitions; (c) sports development projects; and (d) hosting of special sports and leisure events?

1530 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker.

I now hand over to the hon. Member opposite, details of the sports grants awarded so far in the 2013-14 financial year.

1535 **Mr Speaker:** It is a rather lengthy schedule. Could I suggest that we proceed with other questions and then the Hon. Mr Reyes can come back to any supplementaries that may arise from that schedule after he has studied it?

**Hon. E J Reyes:** By all means Mr Speaker, we have done that before and it has worked perfectly fine and I am content with that.

Schedule to question 563/2013

a) Grants to Sporting Societies:

Gibraltar Netball Association	£6786.82
Gibraltar Amateur Athletics Association	£1755.88
Gibraltar Hockey Association	£8566.27
Gibraltar Amateur Basketball Association	£5160.00
Gibraltar Federation Sea Anglers	£6746.69
Gibraltar Hockey Association	£6500.00
Gibraltar Shooting Association	£5250.00
Gibraltar Shooting Association	£3050.00
Gibraltar Hockey Association	£10500.00
Gibraltar Triathlon Association	£4000.00
Gibraltar Cheerleading Association	£ 300.00

b) International Competition

Island Games	£1798.00
Straits Games	£ 133.78
Island Games	£1392.31
World Fire Police Games	£ 250.00
Island Games	£ 330.87
Macabi Games	£5000.00

c) Sports Development

1 <sup>st</sup> Aid Course	£500.00
Sports Leaders UK	£521.23
1 <sup>st</sup> Aid Course	£405.00
Gibraltar Ice Skating Association	£442.50
Gibraltar Amateur Athletics Association	£496.85
1 <sup>st</sup> Aid Course	£820.00
Gibraltar Hockey Association	£1240.00
Gibsport Middle School Championships	£500.00
Gibraltar Hockey Association	£2150.00
Gibraltar Hockey Association	£2400.00
Gibraltar Climbing Association	£120.00
Gibraltar Shooting Federation	£747.30
Gibraltar Climbing Association	£292.21
Sports Development Association	£180.00
GASA Congress Scotland	£583.26
Gib Amateur Athletics Association Congress	£625.00
Findel – Sports Equipment	£940.00

Schedule to question 563/2013 contd.

d) Hosting of Special Sports Events

Gibraltar Classic Vehicle Association	£1200.00
Gibraltar Kennel Club	£10000.00
Gibraltar Squash Association	£5000.00
Thundercats Racing	£8500.00
Gibraltar Amateur Basketball Association	£52000.00
Backgammon Festival	£20000.00
Harley Davidson	£2600.00
Bowling Championships	£20000.00
Junior Chess Festival	£18000.00
Darts Tournament	£4550.00
Darts Competition	£188.10
Darts Competition	£256.50
Gibraltar Regatta - Accommodation	£436.00
Darts Tournament	440.00 Euro
Darts Tournament	£955.00
Royal Gibraltar Yacht Club	£6000.00

1540

**Europa Point  
New football stadium**

**Clerk:** Question 564, the Hon. E J Reyes.

1545

**Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details inclusive of cost and completion dates in respect of the new football stadium which is to be built at the site of the Europa Sports Ground?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1550

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 565 and 566.

**Clerk:** Question 565.

1555

**Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details in respect of any possible losses pertaining to the existing playground or recreation areas at Europa Point which may occur as a result of the development of the new football stadium in that area?

**Clerk:** Question 566.

1560

**Hon. E J Reyes:** Can the Minister for Sports and Leisure confirm that the new football stadium to be built at Europa will fall under the auspices of the Gibraltar Sports and Leisure Authority?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1565

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, it is anticipated that the new football stadium at Europa will not be a GSLA asset but a GFA asset. Costings, etc are not yet finalised. Loss of facilities, etc will not be clear until final plans are laid before the DPC by the GFA.

1570

**Hon. E J Reyes:** Mr Speaker, if the new stadium there will not fall under the auspices of the Sports Authority but run instead by the GFA, it is... am I correct in assuming there that it will then be a donation for the Gibraltar Government to build a sports facility and pass it over entirely to a sporting association, for which then the taxpayer has no control or say on its use?

1575

**Hon. S E Linares:** Well, Mr Speaker, details of that kind have not yet been decided with the GFA, so therefore it needs to be decided. But the asset will definitely be managed and taken over by the GFA.

As to how much they will pay or how much is the contract and all that, I have not got any details on that yet.

1580

**Hon. E J Reyes:** And Mr Speaker, will the Minister also bear very much in mind that, for example, during normal school hours, facilities for football there and so on should be made available to schools in all sectors as an extension of current existing sporting facilities within our education system.

1585

**Hon. S E Linares:** Well, Mr Speaker, that will be up to the GFA and I am sure the GFA will gladly have school children there playing football and doing sports there. But again, this is up to the GFA and how they handle the stadium. Being a Football Association, I would doubt very much that they would not allow schools or children, if they so desire, to use it. So it is a question of seeing how the GFA are going to manage that. It is up to them.

1590

**Hon. E J Reyes:** So the GFA, in my interpretation the GFA are the ones who are going to decide how, when and by whom those facilities are being used. Would that mean then that in exchange for that the GFA will give up its current daily allocations at the Victoria Stadium so that GSLA can then allocate those to other bodies?

1595

**Hon. S E Linares:** No, Mr Speaker, not necessarily. Again, as I have just said, it is a work in progress. It depends... What the hon. Member then is saying is that if the GFA or the schools use the football, then they are going to use the football in the Victoria Stadium. I think it is a question of the GSLA working with the GFA to see how they can maximise... and the stadium being under the management of the GFA, to maximise the area, to maximise the use of the stadium.

1600

But again, it is up to the GFA to co-ordinate with the GSLA.

**Hon. E J Reyes:** Mr Speaker, does the Minister envisage that the upkeep, running costs and so on of the new Europa Stadium, that the bill for that will be borne as well by the taxpayer or will that be borne by the GFA from whatever other income they can derive?

1605

**Hon. S E Linares:** Well, Mr Speaker, if it is run and managed by the GFA, I am assuming that the GFA will have to have the funds to run the place and running costs will be under the GFA.

1610

So yes the answer is yes, the GFA will have to manage the stadium. How then they do it and where the funds come from is up to them.

**Hon. E J Reyes:** And does Government envisage any sort of refund from the GFA for its initial investment costs in the building of the stadium or will that be entirely a gift from the Government to the GFA?

1615

**Hon. S E Linares:** Mr Speaker, I think I have already answered that question. It is up to the GFA to run its place and we have not got into those details yet.

**Hon. E J Reyes:** Mr Speaker, maybe I did not explain myself. Yes, the Minister did answer about the running and so on, but what I am saying is, the cost towards building to which the Minister has said that he still does not have the details and so on. What I am saying is, if the Government of Gibraltar is going to pay for the cost of building that stadium and then pass it over to the GFA to manage, to upkeep and so on, does the Government have any intention of recouping back from the GFA some of the money that it is investing in the building of this stadium or is the Government considering giving it as a gift to the GFA?

1620

1625

**Chief Minister (Hon. F R Picardo):** Mr Speaker, can I just say that we have to be very careful as to how we deal with these matters now, because the GFA is now a member of an international organisation which has its own rules and which prescribes what it is that football associations can do and what their relationships with governments are.

1630

For example, if there were not such barriers, Mr Speaker, then Germany, for example, that has the best performing economy in Europe could simply pump money into its football team and they would then have a huge advantage. So there are rules as to what it is that football associations that are members of the European Federation of Football Associations can do in their interaction with the government, and there are rules as to how they fund their headquarters, and if you call it the *national* football stadium, Mr Speaker. But the *national* football stadium in that parlance does not mean the *state* football stadium. It means the football stadium in the ownership of the National Football Association.

1635

For that purpose, Mr Speaker, as I understand it, in my discussions with the GFA in relation to the land issue that arises here, UEFA have a fund to assist what is known as infrastructure projects in *all* of the federated states and through that funding, entities that are football associations in each of the 54 states

1640 that are members of UEFA, fund their stadia and their other arrangements, like the management that the Hon. Minister was referring to of the stadium, which then produces income. And of course the German Football Federation will have a larger stadium that will produce more income than smaller federations may have.

1645 But it is not a question of governments being free – however much we might wish to – to inject a lot of cash into their football associations. I believe that the fund is called the ‘HatT...’, maybe the ‘HatTrick’ fund – I am no expert on this – which is the one that is used to assist the federations to develop their stadia and their facilities, and there are other funds available for the development of young footballers, etc. So in all of that context – and this is what the Hon. Minister is alluding to – there are a lot of rules that we need to ensure that we comply with in the way that Gibraltar as a nation assists our national football association. That is the subject of discussion at the moment between the Government and the GFA and the GFA and UEFA.

1650 What I think I am able to disclose, Mr Speaker, and I think we have alluded to before – and it may not be a disclosure; it may be something that the hon. Gentleman has already been told by us in this House – is that of course the Government feels that it is able, within the rules, to donate to gift the land of the stadium, where the stadium will be built, to the GFA. That is within the rules – that appears to be within the rules – and we can do that because it is for a sporting purpose.

1655 So in the same way that we might give the Cricket Federation or the Rugby Federation or any other Federation the use of a particular area and even create a lease in relation to whatever facilities you are able to use there, in this instance because the facilities cannot be public facilities – that new stadium cannot be a public stadium; it has to be a GFA-owned stadium – the advice that we have is that we can go as far as to gift the land.

1660 So, stage 1 is where you build... Well, that can be given by the nation to the GFA’s structure for this purpose, which is likely to be a corporation, as long as the lease provides that it is only to be used for sporting purposes. Otherwise, of course, if somebody were to buy from the GFA to then build houses on it, the Government would be entitled to a premium for the change of use, right? But the grant of the land, the gifting of the land into a structure set up by the GFA for this purpose, is within the rules. What happens there after that, we have to be very circumspect about what the rules at a European level allow us to do and do not allow us to do.

1665 I hope that is helpful.

1670 **Hon. E J Reyes:** Yes Mr Speaker, very helpful and I am grateful because the Chief Minister has actually been able to clarify what the ordinary person in the street hears and no one is quite certain, you know, the veracity behind that thing and they have asked me; hence why I hint at some of these questions. Certainly the Chief Minister and the Minister for Sport can rest assured that where things are being done properly, they will receive the full support from this side of the House in respect of the development of that sport. I may even tie it up, Mr Speaker, with your permission to the previous question on cricket about their usage of the sports ground.

1675 It is public knowledge that the Gibraltar Cricket Association are actually members of the ICC and hence derive some funding. They are worried and have probably shared this thought already with the Minister, that they could lose certain funding – even their membership could be put in jeopardy, if they do not meet the minimum requirements of playing fields that are available. I know in my time as Minister for Sport, they needed to have at least three different sites where the game could be played. But the Chief Minister did clarify before with the Minister for Sport, that if there is any time span of non-availability of a pitch, it would be a very short period of time and that I think will be very well received by the Gibraltar Cricket Association.

1680 May I, Mr Speaker, indulge in your generosity and ask the Chief Minister and the Minister for Sport and indeed all this House, to share with me in rejoicing that the Gibraltar Football Association is actually making history today by playing in the under-19 UEFA qualifiers this afternoon, a half past two kick-off – which unfortunately I think many of us will have to miss, but I am sure we will be updated by today’s social media on the score. (*Banging on desks*)

1685 **Hon. Chief Minister:** Yes, Mr Speaker, in fact arrangements have been made for these screens to show the match whilst the Chief Minister’s Question Time goes on.

1690 Mr Speaker, the Government is very alive to the issues of the Gibraltar Cricket Association, as I have told him before. But he has alluded to something which I think is worth commenting on, which is that they receive funding; and the Rugby Federation, if it becomes federated, will also receive funding.

1700 And then again, there are options for them to enable them to develop their facilities with that funding, something which they have not been able to do until now, with the existing regime, because all of the areas that each of them have been using are public areas which are multi-use. The difficulty, Mr Speaker, is, and the opportunity, in finding them an area which is exclusive use because then their federations fund the development of that facility and although maybe taking a little bit longer than any of us might want,

1705 because of the territorial extent of Gibraltar – and there are some people who do not even like the fact that we are trying to get a little bit bigger – it is certainly something that is very much on the Government’s agenda as a deliverable, which provides exclusive use facilities wherever possible, or shared exclusive use facilities – if I make that clearer, for example, rugby and cricket may be able to share but it is exclusively theirs in joint ownership and therefore their federations can jointly fund.

1710 Finally, Mr Speaker, if I can say this on behalf of the Government and people of Gibraltar and on behalf of this Parliament: God speed to the under-19s today. I know that they had a tough friendly match in preparation. I know that they will do their best – Gibraltarians *always* try their best when they are abroad. This is only the beginning and, Mr Speaker, we have great hopes for what the Gibraltar national team will be able to do when they go abroad in particular, but one thing they will *always* do is represent us in a sterling fashion, representing all the hopes and aspirations of the people of Gibraltar for success on the pitch.

1715 So God speed to them this afternoon. (*Applause*)

**Heritage related sites  
Works undertaken**

1720 **Clerk:** Question 567, the Hon. E J Reyes.

1725 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question 236/2013, can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any Heritage related site, stating by whom these works were carried out?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1730 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question 236/2013 I now hand over to the hon. Member opposite the information requested.

Schedule to Question No: 567/2013

Further works undertaken at Heritage sites inclusive of costs and works carried out.

a) **Site:** Giralda Gardens Bunker  
**Works:** Demolition of wall, removal of concrete walls, rubble, sand and vegetation. Hiring of equipment skips

**Contractor:** Construction & Maintenance Service Company Limited

**Total Amount:** £13,249.00

b) **Site:** Harding's Battery  
**Works:** Manufacturing of carriage and transportation and placing of gun and carriage from South Gate to Europa Point (Harding's Battery)

**Contractor:** Casais Gibraltar Limited

**Total Amount:** £20,000.00

c) **Site:** St Jago's Arch / South Port Gates  
**Works:** Conservation Works (May, June, July, August)

**Contractor:** Knightsfield Holdings

**Total Amount:** £29,285.24

d) **Site:** Eastern Beach Bunker  
**Works:** Clearing of rubble, plastering, repair to ceiling and walls, hiring of skips and equipment, repair of girders, manufacturing and installation of windows

**Contractor:** Construction & Maintenance Service Company Limited

**Total Amount:** £5,410.00



1735 **Mr Speaker:** Again, can we attempt to make progress whilst the information is being circulated and considered.

1740 **Parson's Lodge; Moorish Castle  
Works carried out 2013-14**

**Clerk:** Question 568, the Hon. E J Reyes.

1745 **Hon. E J Reyes:** Further to the answer to Question 523/2013, can the Minister for Heritage provide full details of all works undertaken at Parson's Lodge during the financial year 2013-14, inclusive of information pertaining to cost and contractors who carried out any works?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1750 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 569.

**Clerk:** Question 569.

1755 **Hon. E J Reyes:** Further to the answer to Question 523/2013, can the Minister for Heritage provide full details of all works undertaken at Moorish Castle during the financial year 2013-14, inclusive of information pertaining to costs and contractors who carried out any works?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1760 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question 523/2013, further works carried out at the Parson's Lodge are as follows:

Contractor – Koala Construction; the total amount was £1,553.14 and the works were remove, supply and fix a new flagpole.

As to the answer to Question 569, no further works have been carried out at Moorish Castle.

1770 **Cultural grants  
Details of awards so far 2013-14**

**Clerk:** Question 570, the Hon. E J Reyes.

1775 **Hon. E J Reyes:** Can the Minister for Culture provide details of cultural grants awarded so far pertaining to the financial year 2013-14?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1780 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite details of the cultural grants awarded so far in this financial year of 2013-14.

**Schedule to question 570/2013**

<b>Cultural Grants for financial year 2013/14</b>	
Colourworks Limited – Sponsorship for Runway 2013	£4,500.00
Posters for Runway 2013	£600.00
Ainslie Andrews- Winner Rock Chef	£2,000.00
GND0 - World Jazz Championship Poland	£2,520.00
GND0- World Show Dance Championships Germany	£6,000.00
GND0 - IDO Licence & Workshops	£2,400.00
Art in Movement	£2,290.50
Runway	£5,200.00
Stylos Dance Academy	£1,842.50
Allegro Music Productions	£2,025.00
Kings Chapel Singers	£1,440.00
Gibraltar Horticultural Society	£1,500.00
Jordan Picardo – Vocational dance university scholarship assistance	£6,000.00
Simon Bolland - Vocational dance university scholarship assistance	£6,000.00
Rock on the Rock Club	£2,000.00
Gibraltar Philharmonic Society	£10,000.00
Danza Academy	£2,132.00
Gibraltar Photographic Society	£1,350.00
Santos Productions	£9,527.00
MO Productions	£5,700.00
Gibraltar Sea Scouts Pipe Band	£2,000.00
Re-Enactment Society	£900.00
Jetstream	£4,500.00
Gibraltar Arts & Crafts Association	£1,500.00
Gibraltar Dolls - Christine Mandelberg	£1,950.00
Keith Sheriff – Masonic Institute Symposium	£150.00
Joe Caruana - The Iron Knight of Malta	£2,660.00
Calpe Press - Nhean Haynes Cookery Book	£3,645.00
Jonathan Santos - Book One Inch High witch	£1,125.00
Sonia Golt - Dreams are made of this	£500.00
Nina Danino - Exhibition 2013	£5,000.00
Reach - Reunion Concert	£1,000.00
Runway 14	£3,200.00
Christian Fa – Assistance to represent University in Cultural tour of Brazil (playing an instrument)	£400.00
Janice Felices - Scholarship UK Flights	£3,000.00
Gibraltar face & Body Painting - Festival	£1,000.00
	<b>£107,557.00</b>

**Mr Speaker:** Next question.

1785

**John Mackintosh Hall  
Caretaker position**

1790

**Clerk:** Question 571 the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answers to Written Question 61/2013 and 522/2013, can the Minister for Culture and Heritage say when the position of Caretaker at John Mackintosh Hall will be filled?

1795

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, as stated in answer to Question 522/2013 the Ministry for Sports, Culture, Heritage and Youth has no intention of advertising this post.

1800

This will be decided by the Culture and Heritage Agency and the board of the John Mackintosh Hall.

**Hon. E J Reyes:** Yes Mr Speaker, I am very much aware that he said that. I did not say that the Ministry was going to appoint. I said, ‘when will the position of caretaker be filled?’ – whoever the ultimate employer happens to be.

1805

**Hon. S E Linares:** It is up to the employer, when they want to advertise it and bring it out. At present, I have not heard of any indication from them that they are going to advertise, so they must be doing all the work internally and it is up to them to decide.

1810

**Hon. E J Reyes:** Mr Speaker, from my note the last time, the Minister answered the question which was at Question 522. He explained that the vacancy was going to be advertised and filled in by the agency but he said that it would be happening soon. Has there now been a shift in position, Mr Speaker?

**Hon. S E Linares:** Mr Speaker, which answer to which question is he referring to? I have got answer to Question 522: I stated the Minister for Culture has no intention of advertising this post. And in Written

1815 Question 61: 'since my answer to Question 235/2013, the caretaker of the Mackintosh Hall retired. The vacancy will be advertised in due course.'

By saying that, Mr Speaker, 'in due course', it meant that the Ministry is not advertising, no intention from the Ministry to advertise, but it would be in due course for...

1820 **Mr Speaker:** But that surely is not the point. The point is that the Minister, as Minister, is responsible overall for the Culture and Heritage Agency so he is in a position to answer questions on their behalf.

1825 **Hon. S E Linares:** Yes, Mr Speaker, and I also chair the Mackintosh Hall board, management of the Board and I have stated here that this item has not come up from them because they are the ones that manage it; I am just but the mere Chairman. They have not come to me or to the board indicating that this vacancy will be advertised.

1830 Therefore what I am saying is that the Ministry is not advertising because it is not incumbent on the Ministry to advertise. It would be the Mackintosh Hall itself, the board of management of the Mackintosh Hall to decide. Like I said, I have chaired those meetings and there is no indication that they are asking for the vacancy to be filled at this stage.

**Mr Speaker:** Is it not the function of the Chairman of the board perhaps to set the agenda?

1835 **Hon. S E Linares:** I am sure, but if somebody retires and the management, the facilities manager does not come to the board and say, 'Minister', or 'Mr Chairman, we need someone to replace Mr...' In this case it was Mr Capurro and Mr Brown – in fact there are two people who retired. One retired subsequently to that. They have not come back to me and said, 'we need a person', so I am assuming that they are either doing internal cover, or maybe – and I state maybe – in the *next* board meeting, they could well come and say, 'Minister, we have been covering for the last few months, we need those posts to be covered as soon as possible', and then the board takes the decision and brings out the vacancy, if the board decides that the vacancy should be brought out.

1845 **Hon. E J Reyes:** So then, Mr Speaker, can the Minister confirm that there has actually been a shift in position, because I think I am correct in interpreting from the answer given to Question 522, where this House was told that the Agency would bring out the vacancy for caretaker and that it would be happening soon, and am I correct now in assuming from what is happening today that it does not seem to be happening and in any case nowhere near being soon?

1850 **Hon. S E Linares:** As soon as the next board meeting, if they bring it up, which is the answer to the question as I have just explained.

1855 If they come to me and do not explicitly say that they need... When I say 'soon', it means that I go to the board, the board then discusses the issue – which has not arisen, because the board has not discussed the issues of vacancies, but I am sure they will because they are covering at the present with the staff that they have got currently. They are covering up, so as far as I am concerned, and he should know as a Minister, there is always, in Departments, always asking for more and more staff.

In this case, they have not asked readily now for the staff, but I am sure they will – and they will probably ask for even more to cover, but at this stage they have not.

1860 **Hon. E J Reyes:** So Mr Speaker, the Minister has tried to explain to me in his answer that, since the retirement of the caretaker that task seems to have been covered up by somebody else.

I can understand when it is clerical or admin grades that I can ask clerk X and Y to please cover for whatever was left by clerk A who has retired; but in the position of a caretaker, it is something that is a bit more specialised and one at least has to have a minimum, you know, amount of do-it-yourself knowledge and so on. Surely you cannot ask a clerk to cover over certain caretaker duties.

1865 Or, does the Minister have any information that could at least enlighten me as to who is carrying out the duties previously carried out by the caretaker which require minor works and maintenance, routine maintenance issues and so on?

1870 **Hon. S E Linares:** Mr Speaker, a very efficient maintenance team is doing that. He knows that Mr Brown was not the only caretaker there. There is also Mr Victor Soiza who was there as well and he, together with another group of young men, I should say, are doing a very, very good job and they are trainees actually, which he has asked the question as well, trainees which have been engaged to do maintenance work. Therefore they are not only doing the Mackintosh Hall; they are doing all other maintenance work for what he used to preside over, which is the Culture and Heritage Agency, which does not only involve the Mackintosh Hall; it involves many, many other assets.

1875

**Hon. E J Reyes:** And for the record, Mr Speaker, these trainees, are they part of the Future Job Strategy or where do they pertain?

1880 **Hon. S E Linares:** Mr Speaker, he has asked that question before. Yes, they are.

1885 **Electricity Authority**  
**Upgrading the distribution network**

**Clerk:** Question 572, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1890 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to the answer provided to Question 239/2013, can the Minister with responsibility for Utilities state what has been done, or is likely to happen in the next few months in order to upgrade the distribution network of the Electricity Authority?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1895 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the following improvements to the electrical distribution network resilience have been completed this year with the installation of new sub-stations at the new Mental Health Facility substation and Engineer Car Park.

1900 GEA also upgraded electrical supplies to the Mosque. This is now fed from a GEA supply from Keightley Way substation instead of an MOD (GMES) supply. The Fair substation was also re-sited to the new location at the Naval Ground.

In addition, works are in hand to enhance the network to provide electrical supplies to the Sunborn Hotel.

1905 GEA are also programming enforcing the distribution electrical network over the next six months to allow GEA to take on Edinburgh Estate and Chilton Court consumers which are currently supplied from the MOD (GMES) network.

As part of an ongoing programme to replace and upgrade the high voltage distribution electrical distribution network that was started last year by this Government, the GEA have purchased equipment to replace Bedlam Court substation, Palace Gully substation and Line Wall Road, which are currently awaiting delivery.

1910 The GEA are also finalising the technical specification for the replacement of the next batch of sub-stations to replace Forty Step sub-station, Europa Road sub-station, Devil's Tower Road and Sandy Bay substations.

1915

**New power station**  
**Consequence analysis of proposed site**

1920 **Clerk:** Question 573, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1925 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with the responsibility for Utilities, please advise the House if the Health and Safety consequence analysis has been conducted for the proposed site for the new power station, given the answers given by Government to Written Questions 75/2013 and 76/2013 and if so, provide Parliament with a copy?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1930 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no consequence analysis has been carried out at this stage for the new power station, as previously advised.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if no consequence analysis has been done, how come the Government is proceeding with the preliminary works and the tender process?

1935 **Hon. S E Linares:** Mr Speaker, because no consequence analysis is needed. I think the hon. Member Mr Netto is completely confused as to what needs to be done and he seems to have got the information from a Health and Safety course that he attended. Therefore there is no need to have a consequence analysis.

1940 What there is are many other types of analysis, but not the specific consequence analysis that he refers to and that is why I answered the question last time when he asked that there is no need for a consequence analysis.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister has mentioned many other types of analysis. Could he enlighten us as to what these are and whether they have been conducted?

1945 **Hon. S E Linares:** Yes, Mr Speaker.

It is a HAZID, a hazard identification analysis; a COMAH, control of major accident and hazard analysis; an EIA, environmental impact assessment; and a CDM, construction, design and management regulations, which we have to follow. So at least those are four that I have on my list when I asked.

1950 **Mr Speaker:** Given that we are dealing with a power station, I hope all hon. Members found that information very illuminating! (*Laughter*)

1955 **New power station  
Commencement of works for reclaimed site**

**Clerk:** Question 574, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1960 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for Utilities please advise the House if works have commenced for the reclaimed site for the new power station?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1965 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the works on the reclamation for the new power station have not yet started.

1970 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. Minister have an idea as to when the works will start?

**Hon. S E Linares:** Mr Speaker, I cannot state when I can inform the hon. Lady that we are doing an EIA at this present time so it is at that process, the EIA process but I would not like to say a date when it starts.

1975 **New power station  
Environment impact assessment of reclaimed site**

1980 **Clerk:** Question 575, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for Utilities please advise the House if an environment impact assessment has been conducted at the proposed reclaimed site for the new power station, and if so please provide a copy to Parliament?

1985 Obviously, I am aware that you have answered this question in the previous question.

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1990 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes Mr Speaker, the environmental impact assessment for the new power station will be conducted by the successful contractor.

Government has done a preliminary assessment to inform the EIA, that the detailed assessment can only be done once the final award of tender is made, as it is a project specific.

1995

**HEALTH AND THE ENVIRONMENT**

2000

**Upper Rock  
Strategy**

**Clerk:** Question 545, the Hon. D J Bossino.

2005

**Hon. D J Bossino:** Can the Minister for the Environment advise whether a strategy has now been developed in relation to the Upper Rock?

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

2010

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will be answering this question as Minister with responsibility for the Upper Rock.

The strategy for the Upper Rock is currently being developed by the Department of the Environment in consultation with the Ministry for Tourism. It is hoped that the draft plan will be ready for consultation with stakeholders by December this year.

2015

**Hon. D J Bossino:** Mr Speaker, in answer to when I posed the question of the Minister for Tourism back in May 2012, he said that the... I asked about the consultation that was being undertaken by the Government and the answer I received was that the next step is that a paper will now be prepared by the Department of the Environment. Is this the paper that he has just mentioned which will be ready in December this year?

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**Hon. Dr J E Cortes:** Indeed, this is the draft that we are referring to.

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**Hon. D J Bossino:** Mr Speaker, when does he expect that we will have the plan ready thereafter? Because what I assume is going to happen is that once a paper is prepared, if I have understood and followed his answers correctly, it will then be sent out for further consultation, and presumably further input from the various stakeholders and by stakeholders. Maybe he can clarify whether they will include – if I can put it in the broadest terms possible – the environmental lobby and also the taxi drivers who make use of that facility. After that is complete, we will have a plan ready and I asked him at the beginning of my question how long he expects that that will be – how long he expects that that will take for that to be ready.

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**Hon. Dr J E Cortes:** Mr Speaker, the stakeholders are precisely as described and will include those entities and individuals who made submissions when submissions were invited from members of the public.

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As to time frame, I would not like to commit myself, one thing I have learned in the past 21 or 22 months is to be careful when I commit myself to timeframes.

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**Hon. D J Bossino:** Fine, Mr Speaker, I think I will leave it there for now and we will see how matters progress post December.

But can he give an indication as to the nature of the representations that he is receiving and whether the Government is developing, as a Government, a view as to which way... whether the environmental lobbyists will win the day. I know I am putting it in very stark days, I appreciate that, or whether the taxi drivers will have their day, because clearly, I can appreciate from their standpoint that it must be not an easy decision to take. I imagine that their submissions and their views as to how the Upper Rock ought to be used will be diametrically opposed and they have, both sides have valid interests in that area of land.

2045

So can he give us an indication I suppose is my question?

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**Hon. Dr J E Cortes:** Mr Speaker, I suppose it is to be argued that the environmental lobbyists won the day when they elected me as Minister, (*Banging on desks*) but there is no conflict of this nature. In any natural asset where there is a large amount of public use, there are challenges and obviously we are aware of those challenges. But the way that I see the plan developing and the amount of work that I have seen already – and I am sadly not involved in the day to day, I would very much like to be able to write the plan myself, but clearly I have very competent officials who are doing this – I think we are going to come up with something that is going to work very, very well for the users of the Upper Rock of all species, including humans and others.

2055

**Commonwealth Park creation**  
**Costs incurred; investment; funding; remedial works**

2060

**Clerk:** Question 576, the Hon. S M Figueras.

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**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for the Environment provide this House with details of all costs already incurred in respect of the creation of the Commonwealth Park, further to the initial costs of some £87,000 incurred in respect of enabling works, including but not limited to excavation works, provision of parking spaces in alternative locations, design work, materials and all other relevant expenses?

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

**Minister for Health and the Environment (Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 577 to 579.

2075

**Clerk:** Question 577.

**Hon. S M Figueras:** Can the Hon. Minister for the Environment provide details of the Government's estimate of the total investment it expects will be required for the creation of the Commonwealth Park?

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**Clerk:** Question 578.

2085

**Hon. S M Figueras:** Can the Hon. the Minister for the Environment provide details to this House of the manner in which the Commonwealth Park Project will be funded, in particular, whether the Government intends to fund the project from the proceeds of savers' debentures with the Gibraltar Savings Bank?

**Clerk:** Question 579.

2090

**Hon. S M Figueras:** Can the Hon. the Minister for the Environment provide details to this House of setbacks or difficulties, if any, encountered in the construction of the Commonwealth Park and where relevant, the cost of remedial works?

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

2095

**Minister for Health and the Environment (Dr J E Cortes):** Mr Speaker, although, for reasons I will refer to in a moment, we will not give an estimate of what the park will cost, I will tell him that to date a total of £1,119,208.20 have been spent on the Commonwealth Park project, inclusive of all enabling works and consultants' fees.

2100

As stated in answer to Question 784/2012, the development of the car park at King's Wharf site is part of an agreement with the developer of the site at no cost to Her Majesty's Government of Gibraltar. The exact cost of the project will not be known until the final account has been agreed with the contractor.

The project will be funded by a combination of a contribution from the Kusuma Trust and by Government's own funds. The project will also receive EU funding. No other sources of funding are being considered.

2105

There have been no setbacks or difficulties in the construction of the Commonwealth Park beyond what might be expected on a scheme of this size and complexity. The project is on programme for completion by the end of March 2014.

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**Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his reply in that regard, specifically in relation to the costs incurred so far.

I am, however, unable to accept, Mr Speaker, that they are not in a position to provide an estimate of how much it is going to cost in the context of tender awards clearly having been made or the contract having been awarded for commencement of the works. The value of those awards must surely be something that the Government knows and should therefore be in a position to share with this House.

2115

Would the Minister explain in this House the reasons why it is unable to provide those estimates, when they can in fact say in respect of the housing projects, how much those awards have been valued at, the value of £130 million if I recall correctly? Can the Minister say in this House why, in respect of the Commonwealth Park, that information cannot be provided to the House and to the public?

2120 **Hon. Dr J E Cortes:** Mr Speaker, as I have stated before in this House, this is a project that is being carried out by GJBS and there are still discussions progressing with GJBS on some of the detail. But I think I can explain that this is not the average project and this is not the sort of project that can be cut and dry at the initial stages. The development of a garden has a lot of factors that have to be borne in mind – for example, weather conditions, the choice and selection of the mature trees that are going to be brought in – and this cannot be chosen very much in advance and has to be chosen during the time of the project.

2125 In fact, that is a process that is going on now and it will be very much depending on the actual species and the size of what is available on the market at the moment. And therefore, it is the sort of thing that has to be flexible and cannot be decided beforehand, like for example how much cement is going to be used in building a house. Developing a garden has to be flexible, I have considerable experience in this and in order to achieve the best value for money, we have to have this flexibility.

2130 **Hon. S M Figueras:** Mr Speaker, I disagree with the final point that the Hon. Minister is making in that because we have to have this flexibility we cannot have an estimate (**A Member:** Hear, hear.) I think those are two entirely incongruous points. It is entirely possible for a government that knows that it is going to be spending at least £113 million on two housing projects, to have an idea of what it will be spending in respect of a park, making allowances of course for the flexibility that the Minister says he needs to have in respect of the project.

2135 Mr Speaker, the Minister surely will agree with me that it is absolutely right that the public should know what the estimate is for the cost of this park in the same way as they know, because the Government has freely provided the information, how much the housing projects are going to cost. Mr Speaker, I do not understand – and I ask the Minister to try and enlighten me so that I understand – why it is that there is this hesitation to provide that kind of information which should be really in the grand scheme of things, rather innocuous.

2145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is ground hog day. We have this debate and this question in almost every meeting of the House in relation to this particular development. Mr Speaker, we have answered before that we will provide the full cost of the development of the park and the hon. Gentleman has wanted to insist and insist that we provide the estimate.

2150 The hon. Member, the Minister for the Environment has set out already why it is not possible to provide the estimate in respect of this particular project. It is quite different when one is dealing with fixed price design and build projects like the ones that we are dealing with in relation to the housing schemes, Mr Speaker, which have been announced and in respect of which the data has been given. If the hon. Gentleman does not like the answer, well look, Mr Speaker, he can say what he likes but that is the answer he is going to get. This is not an attempt not to tell the public how much the project is going to cost.

2155 The hon. Gentleman is being told, he will have chapter and verse and the price of every single daffodil, that is, if those are relevant – and I defer to the Hon. the Minister for the Environment – and every tulip and every tree, if he wishes, Mr Speaker, when the project is complete. He will be able to analyse the cost of the compost, Mr Speaker, and absolutely every single other aspect of the park which he has been told, Mr Speaker, will be completed in less than six months' time. So if he simply asks the question how much has it cost, rather than how much will it cost, then he will detect Mr Speaker, the willingness to provide that information.

2160 At this stage, if the Government – in particular the Minister – does not feel comfortable giving the estimate and he has given him his reasoning as to why he does not feel comfortable giving the estimate, well then, Mr Speaker, I am afraid he has to accept that answer, with the caveat that there will be a full disclosure of every penny spent, once spent and at the end of the project.

2165 Otherwise, Mr Speaker, we are simply going to have an exercise going on in every meeting of this House until we have reached the end of the development where we will give the same answer that we have been giving him for a year, Mr Speaker.

2170 **Hon. S M Figueras:** Mr Speaker, the Hon. the Chief Minister will know that we have not been dealing with this in every meeting of Parliament since December 2011. In fact, there has been a gap of about three, four, five, six months, perhaps, since we have raised this issue in the House.

2175 **Mr Speaker:** It was last raised in July. I have the *Hansard* here, 18th July. It was last raised in July.

2180 **Hon. S M Figueras:** I am grateful, but it was not this specific question, Mr Speaker. Yes. This issue will be raised as many times as we consider it necessary and yes, indeed, the Hon. the Chief Minister will say that they will give the answer that they want to give. But the point is this, Mr Speaker: we are asking for the estimate, we are asking whether the Government has an estimate and if it does have an estimate,



whether it will share it. The fact that they will not is now clear because that answer has already been provided.

As to the cost of the Commonwealth Park once it has been delivered, well, I will be asking at that time, what the cost has been.

2185 The question right now is the estimate, because in exactly the same way as the Government sees fit to tell the electorate that a housing project is going to cost  $x$  even though we know that those are subject to commercial realities and practical realities on the ground that may cause that figure to change, it is, Mr Speaker, the public's right to understand what the estimate for that park is, before it is complete, at the time when it is asked for.

2190 Really, it is a very simple question and it is frankly astounding to Members on this side of the House that the Government is unable to provide us with what is really a very simple answer, we are certain, but which for many reasons clearly the Government is unhappy to share.

2195 **Hon. Chief Minister:** Mr Speaker, it has nothing to do with that and the hon. Gentleman needs to understand the parameters of what he is talking about a little bit better, before he gets up and tries to embarrass the Government.

2200 He does not realise Mr Speaker, that the tender awards for the properties in question at the Aerial Farm and the Coach Park are fixed price tenders subject to European rules that cannot vary according to European rules. They are fixed price design and build, Mr Speaker. That is quite different, quite different. Those are not estimates, Mr Speaker; those are fixed price contracts.

2205 It is quite different to say, 'Well look, we are developing something here, we may decide to change some of the specification, we may decide to make something less enhanced or more enhanced.' But Mr Speaker, look, the whole issue is this: *we* are the guardians of the public purse on this side of the House. They are there to check us, fair enough, they can ask whatever questions they like, they can ask the same question over and over again – and he has noticed, Mr Speaker, that I was not taking the point that the same question had been asked within six months, another point I might have taken, because it was not an issue that we were dealing with on that basis.

2210 We are simply saying, as guardians of the public purse, we want to tell you what it cost in detail, every daffodil and every tulip, but what we are not going to do, as guardians of the public purse, is tell you the estimate. Because, as guardians of the public purse, we do not think it is in the interest of the public purse that we should do that. We think that the public purse may actually end up *better off* if we do not share estimates of this sort.

2215 Because Mr Speaker, I have explained it before, *if you do*, some of those who are providing services to you will know how far you are prepared to go. Or is it that he does not know that when you prepare estimates of this sort, you also have to build in contingencies, you also have to build in a percentage of what more you are prepared to spend than the amount that has already been quoted to you?

2220 And so, Mr Speaker, as guardians of the public purse, in the interest of the taxpayer we are telling him, we will tell you every single penny that has been spent, but it is not in the interest of the taxpayer to tell you at the moment what the estimate is.

2225 **Mr Speaker:** Perhaps in order that it may not be thought that I have misled the House, I said that it had been raised in July, last July, but it was in the course of supplementaries. There was no substantive question on the Commonwealth Park project, but in the course of supplementaries – supplementaries involving the additional parking facilities at the Royal Gibraltar Yacht Club and so on – the hon. Member made a reference to the Commonwealth Park.

2230 **Hon. D A Feetham:** Yes, Mr Speaker, but I have to say I find the statement by the Hon. the Chief Minister difficult to understand, on the verge of being a ridiculous statement to make. Look, does he not accept that it is not only in the public interest and in the interest of the public purse for an Opposition to scrutinise not only what a project has cost at the end of the project, but what it is costing, particularly when it is six months, when this project is due to be completed in six months' time.

2235 Because, of course, if what the Hon. Chief Minister is saying really is, well, the Hon. the Minister for the Environment has an open cheque and can spend whatever he wants in relation to this particular project... Look, somebody listening to the debate to the exchanges today may well come to that conclusion because quite frankly, I am none the wiser as to whether, for example, there is a ceiling on this particular contract, or the Chief Minister as Finance Minister has said, 'No, no, no. we are so environmentally friendly as a Government that you can spend whatever you want.' Well, if that is the position, quite frankly we do not believe that that is in the public interest in the public purse. The reality is that the analogy that the hon. Gentleman has provided with the £116 million in relation to the two housing projects announced is an apposite analogy and I will tell him why. Because presumably you have also entered into contracts with GJBS – who is the main contractor – in relation to this particular project and you must know from those contracts how much this project is going to be, what the parameters are in

terms of the cost, unless... I return back to the original point that I made, which is that effectively, the Finance Minister, what he is doing is he is giving the Hon. the Minister for the Environment an open cheque. That certainly is not in the best interests of the taxpayer or the public interest.

Now, can he clarify that?

**Hon. Chief Minister:** Look, Mr Speaker, what is very clearly to me is that hon. Members opposite, when of those hon. Members opposite that were in Government, obviously were never trusted with the purse strings, even in relation to their own Department by the then Chief Minister.

Well, Mr Speaker, let us be very clear, whether he likes it or not, they lost the last election. We are the guardians of the public purse and they are here to ask questions about what we do with public monies. I have told him the complete opposite of what he has now asked me and he has chosen to ignore it. I have told him that not giving the estimate is in the interest of the taxpayer because it may enable us to bring the project in for less than the current estimate, because there are aspects of the work to be done which may be able to be done for less and, because I entirely trust my Ministers – in particular, I trust them with issues relating to taxpayers' money, otherwise I would not be in Cabinet with them – I believe that they are able to deliver projects for the cost estimated or for less, for the quality that the taxpayer expects.

For that reason, Mr Speaker, whether they like it or not, they are going to have chapter and verse, compost bag by compost bag, daffodil, tulip and eucalyptus, the exact cost of developing the Commonwealth Park. They will not be able to hide behind any suggestion that the Government does not want to give the information. What they cannot do, Mr Speaker, is put the Government in a position where we are not able to save taxpayers' money that we might have been able to save them, because they want to insist on knowing estimate versus final cost.

Well, Mr Speaker, I will tell them more. The Government is prepared to commit itself to show them, when the project is completed, the final cost *and* the original estimate. It may be that we go beyond the estimate, like most Government projects have historically done – because those who provide services to Government always see Government as deep pockets – or we may be able to save on the original estimates for each of the constituent parts of the park, but it is in the interests of the taxpayer and we are the guardians of the public purse, that that information be disclosed at the end of the project.

Now, if they were genuinely here to try and assist the Government in that particular respect, and I cannot imagine any Opposition that might want to see a Government have to spend more than they need to on a particular project, then they will accept that, Mr Speaker. Otherwise, they will continue to make statements like the one that the hon. Member has made when he started his intervention that suggested that what I had said had been on the verge of being a ridiculous statement. Well, Mr Speaker, I have only been called ridiculous twice this week: one was by him and the other time, which I consider a badge of honour, was on the front page of *ABC* newspaper. I am getting used to him and *ABC* having the same views about the things that I say.

**Mr Speaker:** Before these exchanges get out of hand, may I give the hon. Members some guidance in general terms. My experience as a Member of this House for over 20 years on both sides of the House, is that Government Ministers very often used to make the point that the Government is making, namely that they did not want to give an exact figure because it was commercially sensitive and that that might give rise to tenders being higher than what they would have been. Invariably, however, Members of the Opposition did not accept that. They always asked vehemently for estimates to be given. So it is nothing new, it is something that has happened over the years.

But I will say this, that when a new project is introduced into the estimate of expenditure, let us say in the Improvement and Development Fund, unless a purely token sum is provided, a realistic sum has to be provided as an alternative, about the amount of money that the Government would estimate that they are able to spend in that financial year. Of course if the project were to go on beyond more than one financial year, they do not have to give the full amount as to what they would expect to spend in a subsequent year. That is in general terms; I think those are the parameters in which any exchanges have to be taken.

**Hon. D A Feetham:** Mr Speaker, I think that what distinguishes this from, really, other questions that have been asked in the past in relation to estimates is that here we have a project that has actually been allocated, the contracts have been entered into by the admission of the Minister it is public knowledge, with GJBS and it is six months from having been completed. So if the Government does not have a pretty good idea of what this project is going to cost today, it will never have an idea until the final costs actually come out. I note the Hon. the Minister for the Environment nodding his head, but he was the one that stood up and basically said he really does not know.

But can I ask the Hon. the Chief Minister this: bearing in mind that the contracts have been entered into with GJBS presumably for an amount – they cannot be open-ended contracts, I do not think that the Government would be mad enough to have... (*Interjection*) No, not on... (*Interjection*) No. Not on... Not in relation... There may be open ended in relation to some aspects of it, but as the overall contractor,

2305 there must be some sum in the contract dealing with how much GJBS is going to be paid, as a minimum, for example. I would be very surprised if it did not.

2310 But can the Hon. the Chief Minister provide this House a flavour of what aspects of the work on this particular site, the cost of which still needs to be determined? Because if we are talking about three banana trees, I mean, look that is laughable, but if one is talking about substantial aspects of the work – and I am asking, what are the works, give me a flavour of the works for which sub-contractors, presumably – but it cannot be GJBS; sub-contractors of GJBS – still have not tendered or the Government or GJBS still has not gone out to the market for prices in relation to those aspects of the work. Can he give me a flavour of that?

2315 **Hon. Chief Minister:** Mr Speaker, I would have thought it was implicit in what I have said, that the works still to be contracted are works which are substantial and will affect the price of the project – not banana trees, daffodils, tulips or compost, because those to an extent – (*Interjection by Hon. D A Feetham*) No, no, I did not tell you that, Mr Speaker. What I told you was that you would have the cost, even of every daffodil and every tulip and every eucalyptus tree. You will also have the cost of any  
2320 banana tree that may be there as well.

**Hon. D A Feetham:** Will you give way?

2325 **Hon. Chief Minister:** No, I am not going to give way. But what I am saying is that in terms of cost still to be incurred and contracts still to be done, there is sufficient there for us to be concerned that that could be reduced in some way and therefore that it is for that reason we do not want to share beyond the estimates already published, as Mr Speaker has rightly indicated, what the potential cost is going to be beyond that. That, Mr Speaker, is, in my view, what they should accept as the end of the point.

2330 Look, if they then want to come back to us when we have delivered the project and say, ‘This could have been delivered for less even than you have delivered it’, or, ‘Well done, we think this is a great project, fantastically delivered at this price’ – great. I have already said that we will let them see the *estimates* at the time that we have also had a completion cost for the project.

2335 Look, Mr Speaker, what could possibly be wrong with that, if that delivers to them all of the information, but not immediately, if it is going to deliver a better deal for the taxpayer?

2340 Look, at the end of the day, we are all here to ensure that the taxpayer gets the best possible deal – they in their checking capacity, we in our spending capacity. That is what we have to ensure and I think the mechanism that I am proposing, Mr Speaker, will ensure that they have all the information necessary to ask the questions which they have been pursuing for some time now, but in the context of not endangering the potential cost to the taxpayer. All the information will be given – the estimate, the actual and, you know, the cost of the banana tree.

2345 **Hon. D A Feetham:** Mr Speaker, I am afraid he has not understood the point that the Opposition is making in relation to this. You see, it is all very well for the Opposition to be able to scrutinise estimate and actual cost after the event. But surely he must accept that it is also part of the Opposition’s job to scrutinise estimate, what it is costing now and what savings can be made now whether the Government is managing, from a cost point of view, this project now – not after the event. So, I mean, what he is suggesting really is that if this project comes in at £1 million more than it really should have been, whether, we can criticise the Government after the event, but we cannot really do our job now in order to at least try and persuade the Government to change course or to adopt a different policy that might  
2350 actually save the taxpayers’ money, and that cannot be right.

Now, you know, he has not answered my supplementary and the reason why I ask it is this –

**Hon. Chief Minister:** I have answered.

2355 **Hon. D A Feetham:** No, you have not. The reason why I asked it is this. When the Hon. the Minister for the Environment stood up and he talked about... he said, well he said, the overall cost is not known, he spoke about trees and he spoke about plants, now I would have thought that that part of the cost of the Commonwealth Park would be the minor part of the cost compared to the structural works that may be required in relation to... or the other types of work that may be required in relation to the Commonwealth Park.  
2360

2365 Now, that is the reason why I am asking, give me a flavour of the type of works in respect of which the Government – or GJBS in this particular case as the main contractor – still needs to go out to tender. Because if he does that, maybe the Opposition would then be able to say, well actually this involves major structural work, it could cost, for example, £1 million. I can understand the force of the point that the Chief Minister makes. But if the Chief Minister says, well we are talking about really trees and it may be that the position may be different.

Now, that is why I have asked for a flavour of the type of works that still really need to go out to tender on behalf of GJBS.

2370 **Hon. Chief Minister:** Mr Speaker, I think the Hon. the Leader of the Opposition needs to listen more closely to the things that you say and the advice that you give the whole House.

Mr Speaker, I said already in the first answer, or the second answer that I gave him, the works are *not* daffodils, banana trees and compost; they are substantial works. I did not say structural because there are not that many structures there. There are a few but not many. Most parks do not involve structures; they involve *infrastructure* – nothing being built. That is the whole point of a park. But Mr Speaker, the way that – *(Interjection by Hon. D A Feetham)* Oh I see, the hon. Gentleman is murmuring under his breath that ‘structure’ does not mean ‘structures’. I mean okay, I mean, I suppose in the *Alice in Wonderland* world in which some of these questions appear to be posed, ‘structure’ does not mean ‘structure’, okay.

2380 Well Mr Speaker, look let us be very clear. The reality is that most Government projects come in over budget. The Hon. the previous Chief Minister, now the backbencher, Sir Peter Caruana, said in the context of the new airport when he made the announcement of it, that the terminal was going to cost £24 million. He used to laugh and we sometimes shared a private joke during the course of the election campaign, that I turned up everywhere with the *Chronicle* with the headline that had those £24 million on it, because by then we knew – and the Government had announced – that the cost of the project was 2385 actually going to be closer to £80 million. Right?

Now, in the context of where we are today with any project, we do not want to emulate that sort of overspending for the taxpayer, we want to get a better deal. I think it is right that somebody who, as a CEO of a particular entity overspends by that ratio is sacked by the shareholders. Well, that is what 2390 happened in that context, Mr Speaker, in relation to the airport terminal. We are making huge efforts to deliver things for less than we think they might cost at the outside. We are trying to stay within our estimates and we are trying to deliver within those estimates. What they have got from us today is that I have said we will share those estimates, Mr Speaker.

But rightly, when we are dealing with a Government project, it will be set out in the Estimates Book – aptly, properly called for the purposes of this particular – if I may call it – ‘debate’, if not question – and 2395 then thereafter there will be a balance to complete if the project goes on over a particular year and there will be a final account.

Now, Mr Speaker, in that context, can he not just accept that I am telling him that the works left to be contracted are substantial, not just trees – and by the way, Mr Speaker, planting trees and bringing large trees, etc is a very expensive business if it is done right. But it is substantial work that is to be done and if 2400 he does not believe that the Government is acting in bad faith, then can he not accept that we are saying in good faith, this is in the interests of the taxpayer. I have volunteered that we are going to provide Members opposite with the final account and with the estimate. I am just not prepared to do it today, for one reason and one reason only. We think it is in the interest of the taxpayer to continue to try and reduce the costs to be incurred, despite what the estimates we have been given are.

2405 If he considers that that is a good reason for wanting to proceed in a particular fashion, i.e. trying to ensure that the taxpayer gets the best value for money, the best bang for his buck, can I just please ask him to accept that, with the knowledge that the Government has volunteered that all of that information will be given to them.

2410 He will know Mr Speaker, that projects that he was involved in went hugely over budget – hugely. We did not say to him half way through the project, ‘Have you thought of not putting LED lights in the court rooms? Have you thought perhaps that you might want to choose slightly cheaper televisions or that the secure dock might be made of less secure glass?’ in order to try and persuade him to keep the costs down. Mr Speaker, we allowed them to finish the project and then talked about the costs over the estimate and what the value was. I understand that, in his case, it was in the region of £8 million estimated, 2415 perhaps £11 million total roughly. Well look, Mr Speaker, I will give him this: it is a better ratio than £24 million to £80 million.

**Hon. S M Figueras:** Mr Speaker, I have a supplementary on a different issue now, but still relating to the question, specifically Question 579 in relation to setbacks or difficulties.

2420 The Hon. Minister told this House that there have been no setbacks or difficulties other than the ones that are normally encountered in projects of this kind. Now, the Minister very quickly went on to say that it is not your average kind of project and therefore, in that context, I would be grateful for some more information from the Minister in relation to what those setbacks were, or are.

2425 **Hon. Dr J E Cortes:** No, Mr Speaker, I have no more information. I am not aware of any particular setback that would stand out. What could setbacks be? If you are using a truck, it could have a puncture. That is the sort of normal setback that one could have, but nothing that I could quantify or describe as anything major or of any significance.

2430 I am aware that the hon. Member made some comments in the press during a press release that he issued in advance of asking the questions. I suspect if it had been the other way round and we had done that, we would have been questioned about whether we were using the correct procedure, but that is another point.

2435 But, I do not know what he was referring to then and I do not know what he is referring to now. I am advised that there have been no major setbacks.

2440 **Hon. S M Figueras:** Mr Speaker, to take the Minister's point in relation to the questions being asked in advance of questions in a similar context being filed for answers in this House, it is indeed a very critical point that was raised on a number of occasions as a result of answers being provided publicly to questions already filed in this House and that has been more than well-rehearsed in past sessions of this House.

2445 I refer the Minister to the answer he gave in saying that there had been nothing other than the normal variety of setbacks encountered on projects of this description. Now, it may assist the Minister to know that the information that I received – and again the information may well have been mistaken and if that is the case then that is simply the case – information received from sources close to the project were that there were issues with the water table and the need to drain the site on a continuous or regular basis as a result of that. That was the issue that was brought to my attention, not by a random member of the public but by a source close to the project.

2450 As I have already said, if this information is in fact mistaken, I am happy to be corrected, but I would be grateful if the Minister could provide some information in respect of that.

Thank you.

2455 **Hon. Dr J E Cortes:** Mr Speaker, if this had been several years ago and I had been sitting in judgement as a magistrate and the hon. Member opposite had been sitting as an advocate, I would probably have dismissed his comments as hearsay. But as we are not sitting in court, I am aware that the water table is an issue, or was an issue, but it was a predicted issue and not a setback, because we knew that the water table has a certain depth and that when foundations – for example, for the bandstand – were being dug, there would be water coming in and that was pumped out. That is not a setback; that is something that was predicted as part of the course of working close to the water table. That is not a setback.

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**Hon. S M Figueras:** And of course Mr Speaker, because we are not in a court of law, I asked the question on the basis that I did, and I am grateful for the reply by the Minister.

2465 **Hon. Chief Minister:** Mr Speaker, I move that the House do now recess to 3.00 p.m. this afternoon.

**Mr Speaker:** The House will now recess to 3.00 p.m. this afternoon.

*The House recessed at 12.27 p.m. and resumed its sitting at 3.00 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.43 p.m.

Gibraltar, Thursday, 17th October 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE, *in the Chair*]

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

## Questions for Oral Answer

### CHIEF MINISTER

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#### **Lobbyists and political consultants Involvement in Government projects**

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**Clerk:** Answers to Questions continue.  
Question 653, the Hon D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether any Government Minister is aware of any lobbyist or political consultant to the Government, including any employee, consultant or agent of such lobbyist or political consultant, acting as intermediary on behalf of or having any role or interest in any company or entity competing for, or proposing, any Government project?

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

20

**Chief Minister (Hon, F R Picardo):** No, sir.

*Sunborn*  
Cost of works

25 **Clerk:** Question 673, the Hon D J Bossino.

**Hon. D J Bossino:** Can the Chief Minister provide details of all costs related to the works required to be carried out on the *Sunborn* and those to enable the vessel to dock at its intended location at the Ocean Village Marina?

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

35 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the full extent of the works to be undertaken, both for the berthing of the *Sunborn* and in the immediate surrounds, are not yet fully finalised and I am not therefore presently able to provide the information being requested at this stage. It is anticipated – every one is now more enlightened than they were – that works should have been completed by early December. The information is therefore likely to be available for the Question and answer sessions of December or January.

40

**Western Beach reclamation**  
**Report on progress**

45 **Clerk:** Question 675, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Chief Minister advise what progress has been made in relation to the Western Beach reclamation?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, Government has appointed consultants to undertake an environmental impact assessment for the project and the final report is expected by the end of this month.

55 In parallel with the foregoing, Government has been finalising the design and costings for the scheme, but this may have to be fine-tuned once the findings and recommendations of the EIA assessment have been received. Tenders for the supply of materials for the project will then follow.

60 **Hon. D J Bossino:** Mr Speaker, the obvious question and I wonder if the Chief Minister could venture to answer is what timeline are we looking at in terms of the work starting: does he have an indication of what that may be? He may not.

65 **Hon. Chief Minister:** Well, Mr Speaker, because there is no EIA yet and this is not a straightforward EIA, because there are, as he knows, issues here relating to the runway which I think have been ventilated in this House before... It is not something where we can say we have advice that the EIA, although necessary, is not likely to bring anything to our attention that may require modification of plans. I would not wish to venture with a timeline at this stage on this particular project.

70 **Hon. D J Bossino:** I suspect I know what the answer is going to be, but one of the other issues which was ventilated the last time this was raised, in May last year, was that in fact there was a sort of cross-party position in relation to the desire that this project should continue despite the political consequences of proceeding with it. So, presumably the Government... and the implication must be that the answer is yes, that the Government is politically still behind that very much, very eager to continue with this project.

75 **Hon. Chief Minister:** The Government is, Mr Speaker. Is the Opposition?

80 **Hon D J Bossino:** Mr Speaker, as I said in the context of my question... I did say that there was a cross-party position in May 2012 – and I am sure that is still the case at the moment, Mr Speaker – but of course the Opposition is not here to answer questions.

**Hon. Chief Minister:** I am very grateful, Mr Speaker, because from that indication I will take it, unless the hon. Gentleman corrects me here or elsewhere, that there remains a cross-party position that we should go ahead with that project despite the political consequences.

**Barclays Bank**  
**Reduced operation and resultant dismissals**

85

**Clerk:** Question 677, the Hon. D J Bossino.

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**Hon. D J Bossino:** Can the Chief Minister provide full details of the arrangements which the Government is entering into in relation to the dismissals which have taken place or are shortly to take place as a result of the recent decision by Barclays Bank to reduce its operations in Gibraltar?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is not entering into any arrangements in relation to or in respect of the recent decision by Barclays Bank to reduce its operations in Gibraltar. The Government has not had notice of any dismissals being proposed by Barclays, only of a large scale of redundancies. I have written to all members of Barclays staff in Gibraltar and expect to meet many of them to seek to assist them. A copy of my letter to Barclays Bank staff members in Gibraltar is now provided to the hon. Member in case he has not had a copy. The Government is hugely disappointed by the decision made by Barclays Bank PLC to exit the Gibraltar retail market, although we are pleased that the Bank will continue to service large corporate clients and the financial services sector. Barclays is reducing staff numbers in many jurisdictions and announced 3,700 job losses worldwide, a cost reduction of approximately £1.7 billion according to the bank, and the scaling back of operations in Europe and Asia. Unfortunately, Mr Speaker, in Gibraltar the reductions in staff and in the service provided affect loyal employees and clients, none of whom in any way represent the types of business which led to Barclays and other banks around the world finding themselves in such huge difficulties in the past five years or so. Instead, Barclays retail clients in Gibraltar and its loyal staff members provided exactly the type of business model that built Barclays into one of the seven biggest banks in the world; yet, unfortunately, Mr Speaker, the loyalty of clients and staff is being repaid by a withdrawal of service and a dramatic reduction in employee numbers. We will continue to work with staff members and Unite the Union, as well as Barclays Bank management, on all issues that arise from these decisions.



THE CHIEF MINISTER

6 CONVENT PLACE

GIBRALTAR

3<sup>rd</sup> October 2013

To All Barclays Bank Plc Staff Members in Gibraltar.

*Dear Barclays Staff Members,*

I am writing to express the Government's support to you at this difficult time.

From the first moment that Barclays' management announced that they were undertaking a review that might affect jobs and services in Gibraltar we have been talking with the Bank to try to persuade them to continue retail banking operations in Gibraltar and to minimise job losses. That has not been possible for various reasons unrelated to Gibraltar or the excellent work that you do.

Now that the final decision made by Barclays' management has resulted in the announcement of severe redundancies, the Government is continuing its moves to secure a number of things, some of which will be directly beneficial to you. These include – but are not limited to:

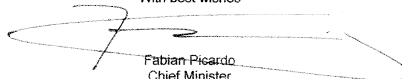
- (i) having government personnel available in the Bank to assist with finding alternative employment;
- (ii) ensuring Barclays respects your rights as an employee; and
- (iii) seeking to ensure that Barclays remains as flexible as possible when it comes to your redundancy payment and your release date should you find alternative employment.

At the same time we are working hard to seek new retail banking options for our community. This option may also result in many new job opportunities for which many of you are likely to be the best suited in our job market.

I am today meeting officers of Unite the Union that represents you to consider with them how best to assist you in this difficult time. Should you wish to contact my office directly to discuss any aspect of this matter, please feel free to do so by email on [denise.ghio@gibraltar.gov.gi](mailto:denise.ghio@gibraltar.gov.gi) or [giselle.taylor@gibraltar.gov.gi](mailto:giselle.taylor@gibraltar.gov.gi) or by telephone on +35020076122. In coming weeks I will be happy to meet with any of you who may wish to see me.

I want you to be aware of this on-going work and of our continued effort to protect your employment and our community's retail banking needs. I am confident we will be able to do both.

With best wishes

  
Fabian Picardo  
Chief Minister

Telephone (350) 200 70071; Fax (350) 200 76396.



115 **Hon. D J Bossino:** Yes, Mr Speaker, he does say that they are not ‘arrangements’ which the Government is entering into, but that is the way I described it. I do not know what is in his mind as to why he takes issue with that description.

I had seen a copy of the letter – and, in fact, I think it was posted on a Facebook page – but the fact is I have had a chance to consider the letter in some detail before coming to this House today, and I was going to quiz him in relation to some of the points that he makes.

120 My main focus – and I am not sure whether he saw our press release and saw my interview – was in relation to the fate of the employees, and that is something which certainly, as a Party, concerns us most at this stage as a matter of priority, given that the decision has already been made by this particular bank.

125 But he does say in the letter that the Government will be securing a number of things, some of which he says will be directly beneficial to you, and then he lists three items. Can I ask what would be indirectly beneficial to the employee?

**Hon. Chief Minister:** Mr Speaker, when we are ready to make announcements about things which are not referred to already publicly in respect of this matter, we shall do so; and the things which affect the employees directly are the matters already referred to in my letter, which he has seen and which he has come prepared to quiz me on, apparently.

I had not seen the hon. Gentleman’s interview or their relevant press statement in relation to this. Of course, we – across the House – are very concerned, not just, I am sure, about the employees but also about the service that Barclays provides; but the most directly affected individuals will be those who work in this bank... and as a result of decisions made by people outside of Gibraltar, because of problems created by people outside Gibraltar which have affected their balance sheet and the balance sheet of other banks, they are the ones who are now likely to find themselves in a situation of redundancy.

135 There are a number of measures that the Government is looking at, which he has seen listed here, which will be directly relevant to what can happen now in respect of those employees, and there are other matters that we are working on, which will hopefully also help to assist.

140 I would ask him, if he is truly concerned about the fate of, as he put it, those who work in the bank and may not have their employment protected going forward at this stage, that he should not press me further because there are sensitive discussions going on about some aspects of this.

145 **Hon. D J Bossino:** Mr Speaker, of course I do not know what is in the Chief Minister’s mind and what is going on behind the scenes, but I do have some questions which arise from the points that he raised in his letter, which I think can safely be in the public domain. If he thinks that in answering the question it will somehow prejudice anything, then by all means he ought to tell me and I will not necessarily insist. He wants me to give way – yes.

150 **Hon. Chief Minister:** Mr Speaker, even that might create a situation where people are able to detect what I do want to talk about and what I do not want to talk about.

155 Would he be happy to be briefed by me confidentially; not necessarily on Privy Council terms, but directly on this subject? I have no difficulty with *him* being aware of what it is that is going on and why it is that we are pursuing certain avenues.

**Hon. D J Bossino:** Mr Speaker, this is probably... In exercise of my personal judgement at the moment, I think what I will do is I will leave the matter. I will leave the matter... I will have that conversation with the Hon. the Chief Minister, and let’s see how he proposes to give me the information.

160 The difficulty I have with him giving me too much information confidentially is obviously that there may be items in that conversation that I may want to use publicly – this is a very public matter – but what I will do is not pursue the line of questioning arising from the points that I have in the letter and have that conversation with him, and then we will take it from there.

165 **Hon. Chief Minister:** Mr Speaker, given I have approached this on the basis that his real concern was the fate, as he put it, of those who work at Barclays, and I am very happy to share with him, very openly and without considering this a matter which we might want to comment on publicly... I think we need to suspend our political instincts to make comments about things in relation to an issue which affects the jobs of 100 people and I am happy to share with him the information that I have so that he is fully briefed, given his Shadow Cabinet responsibilities.

170

**Sunrise Motel  
Purchase by Government**

175 **Clerk:** Question 678, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government confirm if it has purchased the Sunrise Motel on Devil's Tower Road and whether this will be used to house the Moroccan and other immigrant workers who must vacate the Buena Vista Hostel?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, Government has indeed purchased the Sunrise Motel building in Devil's Tower Road. The intention is to initially use this building for vacating the workers' hostel at Buena Vista.

185 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Chief Minister say that it will continue to be used as a hostel indefinitely, or is the Government actually looking at another site to house the workers?

190 **Hon. Chief Minister:** Mr Speaker, a number of options are being considered in that respect.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Chief Minister enlighten us as to what the options are?

195 **Hon. Chief Minister:** Mr Speaker, the hon. Lady has actually set out the options in her Question: the possibility of using this site indefinitely or creating a new hostel somewhere else.

200

**Public servants  
Working hours**

**Clerk:** Question 679, the Hon. D A Feetham.

205 **Hon. D A Feetham:** Mr Speaker, what are the Government's current plans for changing the working hours of public servants?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as has already been announced, and as set out in the GSLP/Liberal pre-election proposal for the future of the public sector, which was separate to the manifesto, the Government is currently undergoing a process of negotiation with the relevant unions towards a change in working hours which will provide for an increase in the opening hours of public counters all year round.

215 **Hon. D A Feetham:** Mr Speaker, has there been any agreement reached with the unions in relation to this particular matter?

220 **Hon. Chief Minister:** No, Mr Speaker.

**Hon. D A Feetham:** Mr Speaker, so I take it from that that the Government is not in a position to proceed with a change of working hours, even if it were by introduction of a pilot scheme, for example, in relation to particular Departments – that is not going to happen until there is agreement with the unions?

225 **Hon. Chief Minister:** It may happen, Mr Speaker, and a pilot scheme may be something that leads to an agreement.

230 **Hon. D A Feetham:** Is it the Government's intention then to introduce a pilot scheme? And if it is, can he provide some kind of framework, a time frame for the introduction of that pilot work, and perhaps refer to the Departments that are going to be the subject of that pilot scheme?

235 **Hon. Chief Minister:** Mr Speaker, a pilot scheme is something that is being considered with the unions, but it is being *considered*. It is not finalised, there is no list of Departments that will definitely be in the pilot scheme, and therefore I am not able to provide any more data at the moment – and there may *not* be a pilot scheme.

240 **Hon. D A Feetham:** Sorry, Mr Speaker, I perhaps had not understood the hon. Gentleman. I thought the hon. Gentleman had told me that there had been no agreement with the unions, but that nonetheless a pilot scheme was being considered independently of any consultation with the unions. Am I therefore, from the last answer that he has given me, right in saying that the pilot scheme will not be introduced unless there is also agreement with the unions in the process that the Government is undertaking at the moment in negotiations with them?

245 **Hon. Chief Minister:** No, Mr Speaker, a pilot scheme may be something that we agree to do with the unions or something that we decide to do ourselves, depending on where our negotiations with the unions take us.

250

**Lobbyists and political consultants  
Payments by Government**

255 **Clerk:** Question 681, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister please provide details of the amounts paid by the Government in respect of lobbyists and political consultants since Question No. 184/2012?

260 **Mr Speaker:** I think it is 1084.

**Hon. D A Feetham:** I beg your pardon, 1084.

265 **Chief Minister (Hon. F R Picardo):** Right. Mr Speaker, the amount paid by HM Government in respect of lobbyists and political consultants, since my answer to Question 1084/2012, is £176,379.12.

**Hon. D A Feetham:** Mr Speaker, I know that if I press him in relation to the identity of the lobbyists he is not going to provide me with an answer in relation to this, but can he provide me, at the very least, with a number in terms of the lobbyists amongst whom this £176,000 has been shared?

270 **Hon. Chief Minister:** Mr Speaker, I have given the answer in the form that it was given by hon. Members when they were in Government – by the hon. now the backbencher, then the Chief Minister. I see no reason why I should not give him the number that he has asked for, so I am happy to add to the answer that the number is six.

275

**North Mole power station  
Allocation of tender**

280 **Clerk:** Question 682, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether the tender for the new power station at North Mole has been allocated?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this tender has not yet been allocated.

290 **Hon. D A Feetham:** Mr Speaker, the official notice that was published by the Government in the *Gazette* in relation to the tender for this particular project provided for expressions of interest by 31st May 2012 and the closing date for submissions for the tender by noon of 1st August 2013 – sorry, 31st May 2013 and the closing date was 1st August 2013. Can the Government please state, or the Chief Minister, why the tenders have not closed, in the light of the document as published by the Government?

295 **Hon. Chief Minister:** Mr Speaker, he has asked me a different question now to the one he asked me in his original Question as to the substance. He has asked why the tenders have not closed, rather than why the tender has not been allocated. Those are two separate things.

Even if tenders had closed by the end of August, it would take a considerable number of months to analyse and allocate the tender. These tender documents, when they come in, will not be a few scraps of paper. They will be very substantial, they will be much more than door stops, and they will require very careful analysis before it is awarded.

300  
305 But in fact he has asked me something different now, which is why tenders have not closed, which suggests to me that he knows what I am going to answer – which is that the period for tenders to be submitted has been extended at the request of a number of tenderers, although a large number of parties have expressed a request that the period be extended in order to be able to comply with some of the technical requirements of the tender. Therefore the Government's technical officers and the officers of the Electricity Authority have advised that the period for the submission of tenders should be extended. I believe that the period of extension is three months. If he wants more details of that he can ask me and I will be able to provide that data.

310 **Hon. D A Feetham:** Yes. Of course, as Leader of the Opposition, it is my job to have some knowledge of the matters that appertain to the important issues of the day. He said three months: can he just tell me what formal date this particular tender then closes after the extension?

315 **Hon. Chief Minister:** Mr Speaker, I understand it will be January.

**Hon. D A Feetham:** He does not have a specific date, then; just January? If he does not, then it does not matter; I will not ask the question.

320 **Hon. Chief Minister:** I do not, Mr Speaker, but if he wants to ask me that next month, I will come armed with a specific date.

325 **Hon. D A Feetham:** Can he confirm that the tender terms remain as had... Well, we have not see the actual tender terms – we have seen the summary of the tender terms that was published in the *Gazette* – but can he confirm that those terms are still the terms and there has been no variation of the terms, in particular in relation to terms of payment for this particular project and also the award criteria for the project?

330 **Hon. Chief Minister:** If he gives me notice of the question, I might be able to tell him.

335 **Hon. D A Feetham:** Mr Speaker, he is the Chief Minister of Gibraltar. It is an important project. We now know, as a consequence of the Question that I have asked, that the timeframe for submissions of tenders has actually been extended, and I think it really naturally arises from the answer that he has provided, in the same way as it has been extended, I am asking has it been extended on the same terms or has it been extended on terms where there has been variation. In particular, I am interested in these two. Does he know the answer? Or, if he does not know the answer, I quite understand – I will ask the question next time round, but if he has the answer there or he knows the answer, then I think it is incumbent on the Chief Minister – bearing in mind that it arises out of an answer that he has given – to answer it.

340 **Mr Speaker:** Hon. Members should take care, when asking the same Question next time round, that the six months rule applies where supplementary questions are concerned as well.

345 **Hon. Chief Minister:** I am grateful, Mr Speaker.  
If I can just give the hon. Gentleman the answer – as I said when I got up, I do not have the information and I need notice of the question. If I had it, I would happily give it.

350 If the hon. Gentleman, instead of asking a Question that is a million miles from where he actually wants to go – because I can see that he has got some highlighted documents and he knew exactly where he was going – approach this on the basis of asking me the questions that he really wants the answers to, he would have had them. I see no reason for not having asked that question as his original Question, given that he knew where we were going, and I would then have the information and I could share it with him.

355 **Hon. D A Feetham:** Mr Speaker, I am tempted to suggest that he is slightly paranoid, but then again he will probably say, 'Simply because I am paranoid, it does not mean that you are not out to get me.'

Mr Speaker, I have identified the two areas which are of concern. I will ask, specifically in relation to the terms of payment, is this a contract that involves... or does the tender still involve the payment of a lump sum contract with milestone payments; or, for example, has that been varied where the Government may consider, as an example, a situation where the actual power station is leased to the contractor that is actually building it, and over a period of time, say 25 years, the contractor itself can then charge directly customers of Gibraltar for the electricity, which will involve the payment of the contractor without the need of the Government to fork out the money at this stage, which is a substantial investment?

Do the terms of payment that were advertised in the official notice still hold good – which is lump-sum contract with milestone payments; and then in terms of the award criteria, that it will be awarded to the most economically advantageous tender that meets the technical and environmental requirements set out in the tender document?

**Hon. Chief Minister:** Mr Speaker, I think I have answered by saying I do not have the information, but I think it is – (*Interjection*) No, no I asked you. Mr Speaker, the hon. Gentleman is confused. I asked him to ask specifically in his first Question. He has asked me a Question about whether the tender has been allocated. In fact, he wanted to know that which he was aware of, apparently, which is that the period for submission of tenders had slipped; and therefore, if he knew that, he knew that the answer to his Question was going to be no. But in fact, really, he wanted to fish for some other information.

But you know, Mr Speaker, all I was doing was advising him, and I know he does not like to take my advice but if he wants answers... If he just asks specific Questions, this Government is not going to duck providing that data. Not because, Mr Speaker, we somehow, when we see a question like this, become paranoid – and I have heard Oscar Wilde quoted so much more elegantly in the past – but because, Mr Speaker, of respect for this House.

I do not know the exact answers to the questions that he asked, and because of my respect for this House I do not want to say something that might unintentionally mislead it. It is straight forward: he has asked me what the questions are now, and I have told him I do not have the answer; I will come back, when he asks me the question next month, with the information.

But I can tell him this, for sure: in terms of the financial arrangements, there will not be an arrangement whereby the Government agrees that the cost of electricity will go up 5% a year for 20 years, as was the case in terms that *they* agreed for *their* new power station.

#### **Aerial Farm and Coach Park housing projects Ensuring local purchase of materials**

**Clerk:** Question 683, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether there are any conditions imposed on the successful tenderers ensuring that supplies and materials from Aerial Farm and Coach Park housing projects are purchased from businesses locally?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no such specific condition was included in the tenders. Nonetheless, the Government has and continues to encourage the successful tenderers to source as much of their materials locally as they are able to and to use local professionals in the delivery of their projects, as is the case on both such projects.

**Hon. D A Feetham:** Mr Speaker, bearing in mind that one of the successful tenderers is a Government-owned company, GJBS, can he perhaps enlighten this House as to what steps he has taken to encourage GJBS to purchase supplies from businesses locally?

**Hon. Chief Minister:** [*Inaudible*] Mr Speaker, the Government-owned company, GJBS, is in the same position as all other companies when it is a tenderer, and I have taken exactly the same steps as I have taken, and will continue to take, in relation to all of those who succeed in achieving tenders from the Government – encourage them, as I have said, that they should use local professionals and local suppliers for any of the jobs that they may be undertaking for the Government of Gibraltar.

**Hon. D A Feetham:** Well, but Mr Speaker, the word ‘encourage’ presupposes that the Government has done something about it. He cannot have encouraged these two companies for the very first time here in the House. Can he perhaps enlighten this House by what type of encouragement? What is the form that

420 that encouragement has taken? Has he, for example, had the directors of these two companies in his office and told them, 'Look, I would really like you to purchase from suppliers locally.'? What steps has he taken, in relation to this, that would exemplify the term 'encouragement', which is the one that he has used?

425 **Hon. Chief Minister:** Mr Speaker, nothing that would fall foul of European rules which if I had called them to my office and told them that they must take their supply from locals and that they must use locals, it would very likely be in breach of European rules, and he knows that these are actually European tenders, each of them.

430 So, Mr Speaker, I am not going to give chapter and verse of what I have done. He should just take it from me that I have encouraged the use of local expertise and local suppliers, and continue to do so, using all the arms of Government available to the Government within the rules set out in the Treaty on European Union.

435 **Talks with Spain**  
**Gibraltar's own voice, vote and veto**

**Clerk:** Question 685, the Hon. D A Feetham.

440 **Hon. D A Feetham:** Mr Speaker, following the editorial of the editor of the *Panorama*, Joe Garcia, on 4th October entitled 'No voice, no vote – no talks!' can the Chief Minister assure this House that Gibraltar will have its own voice, vote and veto at any 'ad hoc talks' held with Spain?

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

445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is an issue that the hon. Gentleman and I discussed in our meetings on 'Privy Council' terms at the times when he was being briefed by me and was supportive of the Government in our present issues with Spain, a period of *entente cordial* that seems to have passed, I am sorry to say.

450 Mr Speaker, I am therefore surprised that he has wanted to ask me this publicly, as he already knows the answer. It cannot be to reassure the public either, Mr Speaker, as the position of the Government in this respect has been made known publicly also, specifically in my ministerial statement of 5th September 2013.

In that statement, Mr Speaker, I said this:

455 'Have no doubt that the Government will be responding to all the lies and defamations spread about Gibraltar in a measured and responsible way at the appropriate time.'

– as in fact we then did Mr Speaker, at the United Nations.

460 'Indeed, it has been quite remarkable to see the Spanish authorities take over a year to react to the call for dialogue we have been making since last April on the "ad hoc" formula. Well, for whatever reason they may be taking that attitude now, we welcome the fact that the offer made by William Hague, a year and a half ago with our support, is now going to be progressed. I have worked closely with the Foreign Secretary to elaborate on this formula. And, tonight, I want to be crystal clear with you about this proposed dialogue. There is no question of the sovereignty or future of Gibraltar being raised or discussed at these talks. The Spanish government has accepted that in their Parliament earlier this week.'

– the first week of September.

470 'These talks will not be bilateral or quadrilateral. Again, the Spanish government has accepted that in their Parliament. Gibraltar will have its own distinct voice at any such talks. The Spanish government has of course also accepted that. And I can assure you that there will be no agreements on Gibraltar matters without our consent. As you know, the position of the United Kingdom and Gibraltar has been to create these "ad hoc" opportunities to meet, but to do so in the context of restating our strong commitment to the parallel trilateral forum for dialogue and the "double-lock" formula that Britain will not transfer the sovereignty of Gibraltar without our consent and will not negotiate sovereignty without our consent. This is in effect a veto allowing us to prevent any resumption of bilateral talks on sovereignty between the UK and Spain under the Brussels process or otherwise. There is therefore nothing to fear from the formula we have developed for these "ad hoc" discussions.'

480 That is the end of my quote, Mr Speaker.

**Mr Speaker:** Before the Hon. the Leader of the Opposition asks any supplementary questions, there is a matter that I wish to make clear.

485 The whole question of *ad hoc* talks with Spain is a very important matter of great public importance, but that does not mean that I am going to allow a debate under the guise of this question on the whole issue of the frontier problems.

And in case anyone should think that I am acting anti-democratically, I should remind hon. Members, as they well know, that there is ample provision in the Rules of this House for a substantive motion to be tabled on that issue.

The Hon. Leader of the Opposition.

495 **Hon. D A Feetham:** Mr Speaker, lest anybody get the impression from that statement that I was going to be asking about the frontier, I had absolutely no intention of asking about the frontier. This is a very specific question about the terms for talks with Spain, and I am well aware of what the Rules are, and from all the questions that I have asked so far, there has not been a debate in relation to any of those questions.

Now, Mr Speaker, there is a distinction, simply because the hon. Gentleman has briefed me on Privy Council terms does not mean that the public... that I am not entitled to ask a question on a matter of public interest, where the public still are none the wiser as to the precise terms of engagement with Spain in relation to these talks. And of course, he may be briefing me in Privy Council terms, in confidential terms, which means that I cannot refer to what the hon. Gentleman has said to me in Privy Council terms, but whether I am satisfied or I am not satisfied as to the explanation that he has given me, it is not possible for me to raise that publicly because he has briefed me on Privy Council terms.

Now, Mr Speaker, it is obvious from the editorial of Mr Garcia – a man who has been an editor of a newspaper for many, many years – that not everybody has been clear about whether Gibraltar had its own voice and its own veto in relation to these talks.

Now, the Hon. the Chief Minister being very clear, Gibraltar has its own distinct voice: may I ask, directly with Spain; and also may I ask this? He says there is no question of any agreement without our consent. Could he also confirm that not only will the voice be directly with Spain – in other words, it is not going to be Gibraltar via an interlocutor, the United Kingdom, then Spain – and that no agreement without our consent means the right to exercise a veto directly with Spain, and again not a veto exercised by the United Kingdom on behalf of Gibraltar?

515 **Hon. Chief Minister:** Mr Speaker, I want to start by thanking you for reminding me in particular, that this should not become a debate and I am going to therefore try and stick to just answering the question, despite the many things I would like to say around it.

Mr Speaker, the hon. Gentleman has whittled down all of that into two questions which are very direct. Is Gibraltar's voice going to be direct with Spain or via an interlocutor? Mr Speaker, that is the first time that I have ever heard that suggested. I do not think even Spain has thought of that in all the public statements that they have put out, or in any of the things that I have heard, and I may have heard more than they put out in their public statements, but there is so much in the public statements that it may be that everything is in the public domain.

There is no question of somebody saying that they have their own voice but only being able to have my own voice in speaking to the United Kingdom, I do not have my own voice in relation to the discussion, and I have to speak through the United Kingdom. Even in their wildest imaginings the Spaniards have not yet proposed that. I do hope that the hon. Gentleman has not planted a seed. Right. That is the first point.

The second, Mr Speaker, is this question of the veto. Mr Speaker, I would never put Gibraltar in a situation where we are one with a vote in a room of two, three, four or more others, because I would then be putting Gibraltar in a situation of jeopardy. Even in trilateral talks, Mr Speaker, I would not expect that things should progress by vote, because I would not be prepared to accept that something be imposed on Gibraltar because the United Kingdom and Spain, the other parties to a trilateral forum, might vote two votes against our one, unlikely though that may be. So the issue of voting in that sort of forum, I trust he will accept is not something which is safe, and not something that we should succumb to, and therefore when I tell him, Mr Speaker, that there will be no imposition of anything on Gibraltar – and I am replaying in my mind the same things that I told him when we met – I therefore do not believe that there should be any forum to which Gibraltar lends itself, where decisions can be made by anything other than consensus.

In other words, the hon. the backbencher, when he was Chief Minister, used to express it in perhaps other terms which was nothing is agreed until everything is agreed. I think actually, Mr Speaker, although that is a different way of representing it, that talking about a forum where if there were to be agreements – I mean we have not yet got to that potential discussion, let alone be considering whether you could reach agreements and how you could reach agreements – but it is not, I think in my view, Mr Speaker, safe, to use another term that became a term of art of the Hon. Sir Peter Caruana, to countenance any discussion where Gibraltar subjects itself to the decisions of others and therefore the discussions should be, things

that we can agree by consensus. And if we have agreed something by consensus in effect round the table everybody has a veto.

550 Why is that something that should go round the table? Well, Mr Speaker, these are not issues to do with sovereignty. They are not issues to do with the future of Gibraltar. These are *ad hoc* on particular technical issues.

555 We cannot pretend, Mr Speaker, to impose something on Spain round the table on an *ad hoc* discussion. If we want to impose something on Spain, we go to the international community and we shame them or we go to a court and we get a finding against them, and then it is imposed on them, in the same way it might be imposed on us in some way.

560 But in a discussion round the table, Mr Speaker, I do not lend myself to any potential situation where I might be voted down with my one vote for Gibraltar, although we have a very close relationship with the United Kingdom and I doubt that would ever happen, but I would never put us in that jeopardy, and that deals with his vote point.

And dealing with the veto point, Mr Speaker, I believe that by talking about, only progressing things by consensus what we are saying is that there would be no question of anything being agreed until all parties were *ad idem* on something and therefore each would have a veto.

565 Mr Speaker, of course there is the *de facto* veto which is that Gibraltar would not implement anything that other parties might agree, and that we saw, Mr Speaker, long before the advent of the trilateral, the United Kingdom and Spain, in an unfortunate period in our history, met together under the Brussels process and agreed something and the people of Gibraltar expressed their veto.

570 **Hon. D A Feetham:** Mr Speaker, I do not want this to turn into a discussion between lawyers because, really, it really was a very simple question that I asked. He talks about consensus and he talks about reaching consensus, but the question was a simple question just dealing with the question of the veto.

575 Can he confirm, contrary to the editorial of Joe Garcia in the *Panorama* newspaper, that Gibraltar will have a right of veto – a directly exercisable right of veto – at any *ad hoc* talks? That really is the question and it lends itself to a simple yes answer, if that is the position. It would be supported by us.

**Hon. Chief Minister:** Well, Mr Speaker, apart from the fact that we are not going to enter into a debate, I can see exactly what he is doing and why he is doing it and what it is he is trying to get me to say which he knows will cause an effect and a ripple.

580 All, Mr Speaker, I am therefore going to do is to come back to what I have said, which if he looks carefully at what I have said, I think is very clear to interpret. Everybody round the table where you do not move other than by consensus, is able to stymie any progress by not simply agreeing. Now in that analysis, Mr Speaker, given that he wants me to express it in a particular way, and I can see exactly what it is that he is trying to do by taking me to the fork in the road where I say one thing or the other, and what the consequences could be of taking fork A or fork B. If he does not understand that everybody  
585 round the table therefore has a veto, he does not want to understand that.

590 **Hon. D A Feetham:** With respect, I am sorry but all he does is just, really, create alarm bells in my mind when he answers in the way that he has answered. He talks about consensus. I ask a very simple question about will the Government have a direct right of veto exercisable directly in relation to anything that can be agreed at these *ad hoc* talks? And then he talks about that I want to take him down a road, that 'I know what the consequences are if I answer in a particular way.' Well look, if he is thinking in that particular way, it is because he does not want to give me a straight answer. People can hear and can make their minds up about this exchange, but if he does not want to answer a straight question with a straight answer, it is because there is something more than meets the eye and hence why he is talking about  
595 consensus.

I will give him another opportunity. Will the Government have a right of veto directly exercisable in the context of *ad hoc* talks with Spain?

600 **Hon. Chief Minister:** Mr Speaker, it is obvious that he only understands the language of the playground, so I am going to express it in the language of the playground. *Yes.*

605 Because he needs to understand that when adults sit round a table to talk and agree things by consensus, until they all agree there is no agreement, therefore all of the adults sitting around the table have a veto before any agreements go, and they do not have to talk to each other when they are sitting round a table through each other, unless Mr Speaker they are going through a difficult period in their relationship.

But, Mr Speaker, let us look at what Joe Garcia actually said: a man who he does not often quote with authority as I do – he was my first Party leader, as he might care to recall. In fact, a man who editorialises



a newspaper he does not often send his press releases to, but anyway, never let the hon. Gentleman be in the position where he does not clutch at straws when he wants to.

610 The editorial says this: ‘Why should anything be imposed on Gibraltar which its people do not want?’ I could not agree with you more, Mr Speaker, could not agree with Mr Garcia more, and would there be a Gibraltarian who would agree that anything be imposed on Gibraltar which its people do not want? And he ends with a pithy phrase, ‘no voice, no veto – no talks’. Well, Mr Speaker, he is absolutely right. Why should anything be imposed on Gibraltar which its people do not want?

615 If he goes back and reads the *Hansard* of what I have said, that is exactly what we are saying. Nothing will be agreed until everything is agreed. The people of Gibraltar would have to agree to anything that might be discussed round the table, nothing would ever be imposed on Gibraltar at least whilst I am Chief Minister, Mr Speaker. But look, as far as he is concerned, he came back from holiday to tell us that after a week of bullying, he would remove the blocks and go to quadrilateral talks. Perhaps we could discuss in  
620 detail what that means.

625 **British Gibraltar Territorial Waters  
Incursions by Spanish vessels**

**Clerk:** Question 686, the Hon. D A Feetham.

630 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish state vessels on a monthly basis since the answer was given to Question 510/2013?

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

635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 687 to 689.

**Clerk:** Question 687.

640 **Hon. D A Feetham:** Can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish fishermen, where they have been unaccompanied by Spanish state vessels, on a monthly basis since the answer given to Question 511/2013?

645 **Clerk:** Question 688.

**Hon. D A Feetham:** Can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish fishermen, where they have been accompanied by Spanish state vessels, on a monthly basis since the answer given to Question 512/2013?

650 **Clerk:** Question 689.

**Hon. D A Feetham:** Can the Chief Minister state how many arrests have been made for illegal fishing in British Gibraltar Territorial Waters, on a monthly basis, since the answer given to Question 513/2013?

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

660 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand the hon. Member a schedule with the information requested.

**ANSWER TO QUESTION 689**  
**Answer to Question 686 to 689**

	2013				
	June	July	August	September	October *
Major Incident (Class A)	5	12	25	8	3
Minor Illegal Incursion (Class B)	45	34	43	27	12
Fishing Incursions (Not accompanied)	43	38	36	58	28
Fishing Incursion (Accompanied)	0	7	1	0	0
Arrests for fishing	0	0	0	0	0

\* October up to and including the 10th of October

**North Mole oil storage tanks  
Assessment of planning application**

665 **Clerk:** Question 668, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Deputy Chief Minister say how will the information together with that provided by the various consultees that Government would naturally have at its disposal be used to make a proper decision in such a delicate request for resuming the storage of oil at North Mole with two additional storage tanks with a total capacity of 7,000 tonnes? How will the zone boundaries around this particular site be established?

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

675 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer this question together with 668 to 670 and 672.

**Clerk:** Question 669.

680 **Hon. J J Netto:** Mr Speaker, can the Deputy Chief Minister say what European and local legislation will be considered for the application to rebuild the North Mole Oil Tanks. Furthermore, in relation to the European legislation could the Deputy Chief Minister confirm that apart from any other relevant EU legislation deemed necessary, the Seveso II Directive and in particular its land use planning aspects will also be taken into account at the time of making any planning decisions?

**Clerk:** Question 670.

690 **Hon. J J Netto:** Mr Speaker, can the Deputy Chief Minister say given his responsibility in Planning and Land matters how the overall assessment of the application by the Oil Company 'Nature' to rebuild the North Mole Tanks will consider the nature and severity of the risks presented by this waste oil storage installation to people in the surrounding area so that those risks are given due weight when making any planning decision?

**Clerk:** Question 671.

695 **Hon. J J Netto:** Mr Speaker, in relation to the application for the North Mole Tanks, can the Deputy Chief Minister say who is the competent authority in Gibraltar that will provide the hazardous substances consent for the storage of such amounts of oil, considering that this would exceed its control quantity of 2,5000 tonnes? Further to this, I would also like to know who on behalf of the Government is doing all the necessary consequence analysis for this application, and if the Deputy Chief Minister could provide me with all the documents to this effect including the risk and harm criteria used?

**Clerk:** Question 672.

705 **Hon. J J Netto:** Mr Speaker, in relation to the application to rebuild the North Mole Oil Tanks, can the Deputy Chief Minister say if in the corresponding consequence analysis of this application he has taken into account both existing facilities in the vicinity of the proposed site for the storage tanks, and future new installations such as the new permanent power station, and if so, could the Minister say which ones have been taken into account?

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

715 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes this is a 'live' application which is currently before the Development and Planning Commission for consideration. A presentation on the project was given in public in the John Mackintosh Hall at the DPC meeting on 5th September 2013. No objections were received by the Commission.

An EIA screening report has been circulated and the Town Planner has provided a screening opinion on that report to members of the Commission. These reports and the application itself will be discussed in public at the next meeting of the DPC on Thursday, 24th October.

720 The Government does not want to inadvertently prejudice or predetermine those discussions through the answers that it may provide in this House, given that my colleague the Minister for Health and the Environment and myself are both members of the DPC as well.

725 The House will know that there is also a court case pending in relation to the explosion of the original tanks that this application seeks to replace. The application is to use the tanks for storage only and not for processing.

730 **Hon. J J Netto:** Mr Speaker, taking into account what the Deputy Chief Minister has said in relation to the various presentations and the EIA report that will be circulated for further discussion, but I do not think that he has answered the part of my questions in relation to the legislation which will be applicable for the purpose of consideration of this matter.

735 **Hon. Deputy Chief Minister:** Mr Speaker, this would involve the hon. Member being given legal advice by this side of the House and I can confirm that all applicable legislation will obviously be taken into account by the Commission during its consideration of the application.

740 **Hon. J J Netto:** Mr Speaker, with respect to the Deputy Chief Minister, I was very specific in saying or in asking my question, what are the ones that will be taken into account. So I am actually asking in my original question which has not been answered, so given that I have given notice of the question, given that I have been very specific as to say which are the ones that will be applicable either from a European context or from within a local context, I think I at the very least should have an answer to that question.

745 **Hon. Deputy Chief Minister:** Mr Speaker, I think some of this information the hon. Member is requesting will emerge from the course of the meeting. There may be instances where the advice to the Commission is that certain pieces of legislation are not applicable and that others are. What I can say is that obviously all applicable and relevant legislation is taken into account by the Commission in its deliberations, which I think was the question.

750 **Hon. J J Netto:** Again, Mr Speaker, with respect, this issue might or might not appear when the discussion takes place in the Commission, but regardless of what may or may not happen in the Commission, I have given notice of a particular question and he needs to say whether he is going to answer the question or whether he does not want to answer the question. The question being that when they are considering this matter in front of them what are the legislation which are applicable for consideration both at the European level and at the local level. Can he be more specific about the answers to my questions?  
755

760 **Hon. Deputy Chief Minister:** Mr Speaker, I can say that all relevant pieces of legislation will be taken into account in the deliberations of the DPC. I was told I remember when I sat on that side of the House that the Government was not the DPC and that they refused to answer questions about the DPC also on one particular occasion. We are quite flexible in that, now perhaps it is less relevant because all the proceedings take place in public. The media is invited, the public is invited, applicants are invited, objectors are invited, and all this information will emerge presumably during the course of the meeting.

765 **Hon. J J Netto:** Mr Speaker, he just said that all relevant legislation will be taken into account, one would have thought that that is an obvious answer, that all relevant legislation will be taken into account. Heavens forbid that they do not, but that is not what was the nature of my question, which I gave notice. I was very specific in asking what they are. Now, I do not expect him necessarily to be able to know what specific legislation they are to be taken into account at a local or European level, but I expect that the civil servants who do provide information to the Minister when he gets notice of my question he will be able to provide the answer, and so far I have not been given an answer.  
770

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I think that it is probably better to put it this way, and I think that the Hon. the Deputy Chief Minister is a member of the Commission and therefore may be embarrassed in this way.

775 The Commission may receive representations from those representing the applicant about which pieces of legislation are not applicable even if there is a view by someone else that they are applicable. That itself could be a live issue before the Commission. The Government therefore does not think it is prudent to say these are the pieces of legislation that individual members of the Government who happen to be on the Commission will decide are the ones that are applicable.

780 This is really for him to understand the fact that the Commission is separate to the Government. The Commission may take a separate view as to what is or is not applicable. The applicant may take a separate view as to what is or is not applicable and the way it is or is not applied to the application and that may lead to submissions by their counsel in front of the Commission or appeals from the decisions of the Commission about what is or is not applicable, but in any event, Mr Speaker, the hon. Gentleman is in effect seeking legal advice from the Government by saying, 'What does the Government believe are the

785 pieces of legislation which are applicable?’ Well, Mr Speaker, I do not think the Government is here to  
give him that advice.

**Hon. D A Feetham:** Mr Speaker, I think the hon. Gentleman is being unfair in the latter point that he  
790 makes. The hon. Gentleman is not seeking legal advice; the hon. Gentleman is seeking, is asking a very  
specific question, which is capable of a factual answer which is, what are the pieces of legislation that  
will be taken into account when coming to a decision? That is not legal advice; that is a question of fact in  
terms of the legislation that will be taken into account by the board in coming to a decision.

Now, I take the Hon. the Chief Minister’s point about the fact that the DPC may say, well actually,  
795 these six pieces of legislation are relevant and they may receive representation from parties saying well  
the fifth and sixth piece of legislation are not relevant for *x, y and z* reason. I understand that. Will he  
therefore, in the light of that and undertake that, when the process is complete, if the hon. Gentleman then  
asks the question, ‘What pieces of legislation did you take it into account when, or the board took into  
account when reaching the decision? Which were the applicable ones that the board took into account?’  
800 that then the Government will answer the question, rather than prospectively, as the hon. the Shadow  
Minister is asking?

**Hon. Chief Minister:** Mr Speaker, I do not think that the hon. Gentleman has understood what it was  
that the Hon. the Deputy Chief Minister had said, and he will be very happy to hear me paraphrase it for  
805 him.

But first of all, let me just explain to him again that the Government is very clear that asking us what  
legislation is applicable to a particular piece of legislation – to a particular application, or anything else –  
is asking us for a legal opinion. I know that he has been in practice long enough to know that many clients  
may simply seek an opinion of what pieces of legislation are applicable to things. Mr Speaker, on a  
810 myriad of different issues, one is asked in practice, please advise what is applicable to a prospective  
application for *x, y, z* before the Planning Commission or what is applicable to a prospective application  
for something else in respect of some other Government or other type of application. So, Mr Speaker, we  
are very clearly at odds with each other as to whether that is a request for a legal opinion or not.

Now, what he will be happy to hear me say, Mr Speaker, because he does not appear to have  
understood it in this way from the Deputy Chief Minister, is that given that after 9th December 2011, all  
815 the proceedings of the DPC are in public, unless something is sensitive for security reasons or the other  
very distinct exemptions, none of which apply in this case as he knows. I know that the Hon. Mr Netto  
has scoffed, but he was talking about being very precise and asking questions about fact and it is a fact  
that after 9th December 2011, all proceedings of the DPC are in public, including the deliberations of the  
DPC. Well, Mr Speaker, for that reason the only thing that the hon. Gentleman needs to do is to pitch up  
820 on the 24th as he has been told and listen to the application and listen to the deliberations. (*Interjection*)

## HEALTH AND ENVIRONMENT

825

### Upper Rock Nature Reserve Illegal traps

**Clerk:** Question 580, the Hon. J J Netto. Five eight zero.

830

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please advise the House if there  
are any statistics available of illegal traps found within the Upper Rock Nature Reserve on an annual  
basis, set by individuals trying to catch any of the animals within the Nature Reserve?

835

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Department of  
the Environment treats any reports of illegal traps found within the Upper Rock Nature Reserve, or any  
other area within Gibraltar, very seriously.

840

To date, the Department has received only one report of an illegal trap being found within the Upper  
Rock as part of the Upper Rock Consultation Process. This matter was taken up by the Environmental  
Officers from the Department of the Environment as a matter of priority but no traps have been found to  
date. Systematic searches in different areas within and outside the Nature Reserve continue to take place  
845 as part of the Upper Rock Surveillance Monitoring Programme.

**Hon. J J Netto:** Mr Speaker, I am grateful to the Minister for that answer.

850 He mentions in his answer that there has been only one report so far given to the Department of the Environment I think he has stated. But despite the fact that may well be the case that there has only been one report, is the Minister satisfied personally, particularly him given his background knowledge of the Upper Rock Nature Reserve whether in fact there are more people on an annual basis actually going up there and putting illegal traps in the Upper Rock Nature Reserve, regardless of the fact that we only have only one particular person who made a report and is being looked into.

855 **Hon. Dr J E Cortes:** Mr Speaker, I dare say that my knowledge of the Upper Rock Nature Reserve is probably more than just background, but having said that, I have no indication that there are more illegal traps on the Upper Rock now than there were in the past. I know of times in the past when there was definitely a problem there. This does not seem at this point in time to be so much of a problem, but clearly it is very difficult and this is why we are surveying regularly, and hopefully this is a true reflection of the fact that this is not a major problem but can become one at any point in time.

860 **Hon. J J Netto:** Mr Speaker, when the Minister says it is being surveyed, surveyed by whom, and how regularly?

865 **Hon. Dr J E Cortes:** Mr Speaker, it is surveyed by members of the Department of the Environment who are tasked with consulting other users of the Upper Rock, regular users of the Upper Rock and also visiting the Upper Rock to see if they detect anything untoward.

870 **Hon. J J Netto:** Does the Minister have a feel as to how many visits these particular monitors from the Department actually go to the Upper Rock Nature Reserve on a weekly, monthly basis?

875 **Hon. Dr J E Cortes:** Mr Speaker, I could not say without notice how often the officers of the Department go to the Upper Rock, but certainly the users of the Upper Rock which involves others, including volunteers who are very keen to ensure the protection of wildlife on the Upper Roc, are there on a daily basis.

**Hon. D A Feetham:** Yes Mr Speaker, just out of interest, what traps are we talking about here that are the source of concern?

880 **Hon. Dr J E Cortes:** Mr Speaker, given the fact that the Hon. Leader of the Opposition lives on the Upper Rock, I can assure him that the traps that I know about would not catch him. (*Laughter and interjection*) I will refrain from any further comment. The trap that I refer to that has come to my notice was a noose trap which would be aimed at catching rabbits.

885

**Mid-Harbour Small Boats Marina  
Water quality, protected species and habitats**

890 **Clerk:** Question 581 the Hon. J J Netto.

895 **Hon. J J Netto:** Mr Speaker, in relation to the Environmental Statement made by 'The Fourth Dimension' on the Government Mid-Harbour Small Boats Marina, can the Minister for the Environment say what measures, if any, will be introduced to improve the water quality in that area in order to comply with the EU Water Directive, given the presence of storm water culverts, which may affect the marine environment and the location of the two rowing clubs in this area?

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

900 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 582 to 585.

**Clerk:** Question 582.

905 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if, further to the Environmental Statement on the Government project for the Mid-Harbour Small Boats Marina, a more definitive survey has been conducted or perhaps even will be conducted in relation to any protected species listed either in the EU Habitats Directive and/or the Nature Protection Act as a result of any

910 impact associated with the loss or disturbance of this Government project, and if so, can the Minister make a statement to Parliament to this effect?

**Clerk:** Question 583.

915 **Hon J J Netto:** Mr Speaker, can the Minister for the Environment say if any modelling of water flows has been conducted or will be conducted in order to ensure the best possible result once the project of the Mid-Harbour Small Boats Marina is finalised for the marine environment?

**Clerk:** Question 584.

920 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what mitigating measures, if any, will be introduced in order to minimise any impact from sediment plumes released and dispersed during dredging that otherwise would result in increased suspended solids concentrations in the water column during the construction phase of the Mid-Harbour Small Boats Marina?

925 **Clerk:** Question 585.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say whether it will accept the recommendation that is 7.04 Habitat creation opportunities, in the Mid-Harbour Small Boats Marina by the company 'The Fourth Dimension', in installing wave-attenuating revetments in the southern end of the development in order to provide opportunities for littoral and coastal habitats creation?

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

935 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, these questions all relate to water quality within the small boat marina. These issues are all dealt with within the Environmental Statement for the project of which the hon. Member has a copy, but nevertheless I will reiterate the points contained therein.

The deterioration of water quality within the small boat marina will be avoided through a number of initiatives.

940 Firstly in relation to the dredging, the total amount of silt that needs to be removed is actually considerably less than the initial estimates suggested, as a result the original proposal to vacuum up the sediment has been modified and the sediment will instead be moved to either side of the proposed caisson footprint using a clam excavator as opposed to suction. This will minimise any silt plume and particle suspension. It is expected that this action will be sufficient to keep levels of total suspended solids within the water column to a minimum.

945 Secondly, the Government has also taken on board the concerns relating to the storm water overflows and has modified the design of the small boat marina to maximise water movement within the marina basin whilst at the same time maintaining the maximum permitted wave height. This revision involves the inclusion of a number of submerged culverts, augmented by a number of smaller passages located at regular intervals between the breakwater caissons. These measures will allow movement of a sufficient amount of water through the marina and adjoining areas.

950 The measures described above have been approved and we are confident that they will ensure that the water quality status within the small boat marina does not deteriorate.

955 A monitoring programme is already operational in the immediate vicinity of the proposed marina and additional monitoring will be introduced to the area in order to ascertain that this is so and, should this monitoring indicate that water quality is being affected appropriate remedial steps will be taken.

There have been no further official surveys of the area. The survey conducted as part of the EIA process was definitive.

960 And in answer to the final point, the installation of wave attenuating revetments is a part of the marina design and will be included.

**Hon. J J Netto:** Mr Speaker, I am grateful to the Minister for that explanation. I think I have not heard anything from the Minister, unless he can correct me, in relation to if there are any protected species either included in the EIA Habitats Directive or the Nature Protection Act? Did he mention anything about that or have I missed it?

965 **Hon. Dr J E Cortes:** No, Mr Speaker, I did not specifically in this answer. I did refer him to the EIA which does cover that point, and which he has information on because he has a copy. There have been detected he will recall from the Environmental Statement that he is in possession of. There have been a number of individuals of *patella ferruginea* which are on the side of what is currently the revetment by

970 the Yacht Club and three examples of *pinna* species. Not all of these will be affected by the works. Those that would be affected would be removed as part of the works.

May I add, Mr Speaker, that they will be removed and replaced elsewhere in suitable habitat, of course.

975

**Barbary Partridges  
Population since 1990**

980 **Clerk:** Question 586, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please advise the House what the population of Barbary Partridges has been since 1990 on an annual basis?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 587.

990 **Clerk:** Question 587.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please advise the House of the number of Barbary Partridge chicks born since 1990 on an annual basis, and of those how many have grown into adulthood?

995

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

1000 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Barbary Partridge is a secretive species. Due to the nature of much of the terrain within its breeding grounds in Gibraltar, the number of pairs is difficult or impossible to assess and population estimates are extremely difficult and would require very labour-intensive methods that would include complex mathematical modelling in order to achieve results that are approximate at best.

1005 Annual surveys and incidental observations do, however, provide a relative indication of numbers and these strongly suggest that numbers have dropped substantially during the current decade. Data from the Ornithological and Natural History Society annual winter bird count, a survey that includes all sites at which partridges are present in Gibraltar and kindly supplied to us by the Society, records the following mean values per decade: up to 1999 – circa 23 birds recorded; up to 2009 – circa 29 birds recorded; up to 2013 around 13 birds recorded. The total for 2013 was the lowest ever with 7 birds recorded. These are the number of birds recorded and, partridges being secretive, are taken to represent a proportion of the total number of birds present and obviously not the total population. Reports of small coveys on the Upper Rock recently give cause for cautious optimism, but the population is still extremely low, particularly on Windmill Hill Flats, its traditional stronghold.

1010 No such monitoring, relating to the second of the questions, has ever taken place. Partridge nests are normally extremely well concealed, so much so that one of the standard ways of locating partridge nests, in other areas of course, is with dogs. Dogs are not allowed off a leash within the Nature Reserve and cause obvious disturbance to partridges and other fauna especially when breeding. The resources, too, required to conduct such surveys with dogs or using any other methods have never existed.

1015 Furthermore, and most importantly, surveys of this type are not desirable because the retrieval of such detailed data would be extremely intrusive, whatever the method used and likely to lead to breeding failure among the partridges due to disturbance, the very opposite of what we want to achieve. So far I have referred to nests and chicks born alone. It is extremely difficult to monitor whether chicks fledge into adulthood following hatching as partridges are nidifugous meaning that the chicks leave the nest, wandering and foraging with their parents as soon as they have hatched.

1020  
1025 **Hon. J J Netto:** Mr Speaker, I think what we can take from the answer provided by the Hon. Minister is that the last count as far as birds recorded of partridges is down to seven. What he has not provided in his answer is why the decline of the Barbary Partridges, what has been the cause of that and we all have speculated in the past that this could be as a result of domestic and feral cats in the Upper Rock Nature Reserve.

1030 But can I ask the Minister, given that the last recorded number for 2013 is seven birds, have we now reached the stage where if anything positive is not done to maintain the species we will soon find

ourselves that we will have no Barbary Partridges in the Upper Rock Nature Reserve and they will become extinct, unless of course Barbary Partridges of this particular genetic type are brought from Morocco. Can the Minister therefore answer my question, which is what are the natural enemy of the Barbary Partridges; what is being done to avoid that; have we reached a situation where, if this continues, by next year we will find there will be no recorded partridges in the Upper Rock Nature Reserve; and what does he intend to do about it?

**Mr Speaker:** I am going to allow the supplementary for a very personal reason as well, I am very interested in the answer as an ornithologist myself, but I really think that the hon. mover of the question should have inserted those matters in the original questions. He was asking for statistical information only and not for considerations which affect those statistics. I am just saying that for guidance.

I am going to allow it, but would he please keep that in mind in the future because there is no difficulty in injecting those considerations into his questions.

**Hon. Dr J E Cortes:** Mr Speaker, I will in turn answer this question, because I am keen to do so and have a very good answer to give. *(Laughter)*

Mr Speaker, the hon. Member did not ask why the Barbary Partridges had decreased, otherwise I would have answered what, in theory, could be the reason, because in nature you can never give a hard and fast response. These things have been mentioned before here and elsewhere, they could include predation by feral cats and by yellow legged gulls, they will include the reduction of habitat due to the fact that about maybe 10 or so years ago, possibly more, control of the fire breaks was reduced in scale, disturbance is probably not the main reason.

Clearly the numbers have dropped and clearly, were nothing to be done, we are risking extinction of the Barbary Partridge. The hon. Member might well recall conversations and correspondence to this effect, years ago, when he was Minister and I was a representative of an NGO. Fortunately I am now the Minister and therefore steps are in fact being taken.

We have increased clearing of vegetation to increase the amount of habitat present, we are developing a strategy for the control of predators and I can announce that in a recent visit to Rabat, I have obtained the agreement of the authorities in Morocco, who will be providing us with numbers of Barbary Partridges of the right genetic strain to re-introduce into Gibraltar in order to be able to supplement the numbers and hopefully between that and the improvement particularly in habitat we will be able to support the population.

Clearly, Mr Speaker, we are talking about nature. It could be that there are other reasons that we do not know possibly disease, I have no evidence to suggest that, and perhaps even these measures are not sufficient. But we are certainly giving it a bigger try than has ever been tried before.

**A Member:** Hear, hear.

**Hon. D A Feetham:** Yes, Mr Speaker, just dealing with the point that Mr Speaker made of course, and I thought that I knew the answer because I think there has been exchanges in the past, but my hon. Friend could not have known what supplementary arises because of course he has to wait for the statistics, before the supplementary. It may have well shown an increase – that is highly, highly unlikely that it showed an increase. But we had an exchange a number of months ago in relation to this particular issue. It is an issue that is also close to my heart as well, as somebody that lives up there and likes to walk in the Upper Rock as much as possible with dogs, on a leash I may add.

But the last time that I asked questions about this, the Hon. Minister indicated that the main problem by far with the decline in numbers of the Barbary Partridge, which is after all an iconic species for Gibraltar appearing on our coins, was the question of the feral cats, and I asked him what he was going to be doing with the question of feral cats and he said we will make an announcement in due course.

Now, can the Hon. Minister satisfy this House that the Government is getting to grips with the question of feral cats? I understand that it is a very, it is a very thorny issue, because of course as a proponent of protecting the species of Barbary Partridges, there may be people out there who say, ‘Well look, I am a proponent of protecting feral cats’, but the reality is that feral cats have been introduced by human beings into the Upper Rock into the Nature Reserve and if they are decimating, as indeed he said they were decimating, the population of Barbary Partridges, something has to be done about the feral cats and can he perhaps enlighten the House about that?

**Hon. Dr J E Cortes:** I have got to repeat that in everything to do with nature and eco-systems, it is always probability, so it is likely that the feral cats are having a significant effect, and yes, I can say that we are getting a strategy together. I can say that clearly there are differing opinions, but I can also say that I have had very fruitful discussions on a number of issues with the Cat Welfare Society, and I am sure



1095 that we can come up with a programme that will not offend anybody's sensitivities and that will hopefully be beneficial to the Barbary Partridge.

1100 **Hon. D A Feetham:** But Mr Speaker, how far away are we in terms of the execution of that strategy, bearing in mind that I asked this question last year, and last year he was telling me that the plans were in progress? It seems to me from the statistics that the hon. Gentleman has provided that every year that passes the population has declined and as the Hon. the Shadow Minister for the Environment quite rightly pointed out that, it would be a shame, laudable as it is that the Government is seeking to introduce Barbary Partridges from Morocco, it would be shame if we lost, what are species that are indigenous to Gibraltar – they migrate from Morocco to Gibraltar, but the birds that we have at present here in the Upper Rock. It seems to me that every time in every year that passes it is less likely that we will have those indigenous birds.

1105 **Hon. Dr J E Cortes:** Mr Speaker, once again, I wish that the philosophy that the Hon. Leader of the Opposition is expounding now had been the philosophy of his Party when they had been in Government and I was telling them exactly what they are telling me now, and we would not be in this situation now. (*Banging on desks*)

1110 But being where we are, this is being incorporated as part of our plans for the Upper Rock Nature Reserve, I think we are only a short time away from that and the last thing I want to do, in bringing in partridges from Morocco, is bringing in partridges to become a cat's dinner, and clearly these things have to be taken side by side and taken together. But I think that by the time the next breeding season of the partridges arrives early next spring, hopefully the situation will be much improved for them.

1115 **Hon. J J Netto:** Mr Speaker, could I ask, in terms of the timetable ahead for the Minister, could he tell us when does he intend to implement the strategy and when is it that the new partridges from Rabat will be coming into Gibraltar?

1120 **Hon. Dr J E Cortes:** Mr Speaker, this morning we spoke about the Upper Rock Plan and how it is going to go to stakeholders in, hopefully, in December. That does not mean that actions that need to be taken and that can be taken in advance of the plan will not be taken.

1125 As far as importation from Morocco is concerned, we are progressing with the arrangements. Clearly dealing with what we are, there are often delays, but ideally we would want to have the partridges in Gibraltar sometime during the autumn, early winter. They would be kept in quarantine before they were released to ensure that they did not bring any diseases, so we would hope to be able to release these towards the end of the winter, but clearly it does depend on us actually getting the birds over. The agreement has already been arrived at. The *Eaux et Forêts* High Commissioner was very supportive and they have confirmed in writing that they will be providing these birds, and my officials are now in the process of trying to arrange the importation, clearly with all the relevant health and other paperwork that would be required.

1135 **St Bernard's Hospital  
ICU patients with dehydration**

**Clerk:** Question 588, the Hon. Mrs I M Ellul-Hammond.

1140 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how many patients, while in the care at St Bernard's Hospital, since 9th December 2011, have been admitted to the ICU because of dehydration?

1145 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, could you repeat the number? I think my questions are slightly out of sequence. Which number? Is this Question 588? (**Mr Speaker:** Yes.) Okay, sorry, I had made my notes on partridges on my script, I do beg your pardon.

1150 Mr Speaker, this data started to be recorded in March 2012 and were not separately identified until then.

Since March 2012, no admission or transfers from other wards to the ICU are recorded with a diagnosis of dehydration. This also includes any admissions from the Care Agency.

However, three cases of dehydration are recorded from home admissions – one patient was suffering from self-neglect and two with severe diarrhoea and vomiting.

1155 If a response is required from 9th December 2011 to March 2012, given that the data was not collected separately, this would require going back to each individual case, file by file, and more time would therefore be required to answer that question.

1160

**St Bernard's Hospital  
ICU patients with dehydration**

1165 **Clerk:** Question 589, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how many patients, while in the care at St Bernard's Hospital, pay for an independent private carer, or from one of the two private care providers in Gibraltar, in order to attend to their basic needs of feeding and washing during their stay in the hospital?

1170

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, currently there are six patients in Captain Murchison Ward and 3 in Victoria Ward who pay for independent private carers.

1175

It is important to note that the responsibility of the nursing team is to provide care. However, some patients request the permission to bring in carers, paid or otherwise. This is only given when it has been discussed with the nurse in charge, and has been the case now for many years.

1180

**GHA Review Report  
Publication**

1185 **Clerk:** Question 590, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to the answer given to Question No. 282/2013, can the Minister for Health say when the GHA Review Report will be made public?

1190

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have explained on several occasions in reply to previous similar questions that the report will be published when I am satisfied that enough has been done to address the main concerns raised within it.

1195

We are progressing along this route, but we are not there just yet, but it *will* be made public.

**GHA management structure  
Unit General Managers**

1200

**Clerk:** Question 591, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how the new three Unit General Managers system for the management structure of the GHA will work?

1205

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the GHA's management structure currently lacks focus in terms of service accountability for its Units, in that its services have been managed by many different directors on a segmented basis but no one in each Unit has had overall responsibility for organising its service delivery.

1210

We have three major services providing health care to the local population: St Bernard's with its acute services; Primary Care Services; and Mental Health Services, with the latter currently undergoing expansion.

1215 Each of these Units will have a General Manager, responsible to the Chief Executive, for the overall management of its services and its performance, including clinical and support service provision and financial and corporate management.

1220 The Chief Executive and GMs together with the Head of Nursing and the Medical Director will form an Operational Team with overall responsibility for delivering the GHA's services.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will these Unit Managers be sitting above the Executive Directors in terms of line management?

1225 **Hon. Dr J E Cortes:** Mr Speaker, above the...?

**Hon. Mrs I M Ellul-Hammond:** The present Executive Directors.

1230 **Hon. Dr J E Cortes:** Mr Speaker, as part of the restructure, the whole system will change, and the Executive Directors will no longer form part of, the current Executive Directors, and indeed some of those posts will no longer form a part of the new operational management team. It is a restructure, after all.

1235 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, will the Unit General Manager for Hospital Services for instance be replacing the Chief Operating Officer and Medical Director and then there will be a separate Medical Director employed?

**Hon. Dr J E Cortes:** Mr Speaker, this is part of the restructure that is currently being undergone. The Unit General Managers will replace the role of the Chief Operating Officer.

1240 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Clinical Nurse Manager for Primary Care remain and work under the new Unit General Manager for Primary Care Services, or will that position be made redundant?

1245 **Hon. Dr J E Cortes:** Mr Speaker, we are reviewing the management structure of the authority at the, what used to be the executive level, now called the operational management team level. We are not reviewing grades that are below that level, at this stage.

1250 **Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, is the Hon. Minister saying that all the Executive Director positions will be made redundant but the clinical nurse manager positions will remain?

1255 **Hon. Dr J E Cortes:** Mr Speaker, I have said nothing about anybody being made redundant. I have clearly answered the question on how the system will work in my original response, I have volunteered further information for point of clarification, but I think that I have actually replied to the extent that the question was originally formulated.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, but what will happen to those who are currently in post? I think there are about eight Executive Directors and will they all be standing out and all applying for the three new management positions that will become available now?

1260 **Hon. Dr J E Cortes:** Mr Speaker, I do not know what they will do as individuals. What I will say is that the current executive is being replaced with a new operational management team, which is focused at running patient services at the financial efficiency and that is the thrust. I am not, I think, at liberty to discuss the individual situation of individual persons here publicly and certainly not without their permission.

1265 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, apart from the three Unit General Managers, will there remain a department for human resources within the hospital, and also will there be a director or management role or position solely for IT?

1270 **Hon. Dr J E Cortes:** Mr Speaker, at this point in time, we are addressing the operational management, the support services, which obviously include human resources, and IT will follow as part of the process we are considering.

1275 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say who approved this new management structure of the GHA?

**Hon. Dr J E Cortes:** Mr Speaker, the GHA has approved it, and I as its Chairman as well as the Minister for Health. Mr Speaker, by GHA, I obviously include the board of the GHA.

1280 **Hon. Mrs I M Ellul-Hammond:** And finally Mr Speaker, can the Minister confirm then that the clinical nurse manager positions will remain?

1285 **Hon. Dr J E Cortes:** Mr Speaker, I have already said that we have not reviewed posts below the level of what used to be called and still at this point of transition is called the executive.

**St Bernard's Hospital  
Single-sex wards**

1290 **Clerk:** Question 592, the Hon. Mrs I M Ellul-Hammond.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the wards at St Bernard's Hospital will become male or female only, as per the Government's manifesto?

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

1300 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the pressures on beds that this Government inherited have meant that this has not so far been possible, but it is on track to be delivered before the next general election. The timing will be reassessed in the light of the future opening of other facilities for the elderly.

1305 **New Mental Health facility  
Advertising vacancies**

**Clerk:** Question 593, the Hon. Mrs I M Ellul-Hammond.

1310 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the vacancies for the workforce for the new Mental Health facility at the former RNH site will be advertised and what the composition and skill mix will be?

1315 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the details of the workforce plan are being finalised in consultation with the professionals.

1320 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, by when will the plans and the composition be finalised and decided?

1325 **Hon. Dr J E Cortes:** Mr Speaker, the intention is clearly that we are able to open the new facility when it is ready and commissioned. That is our plan and we are on target.

**Smoking  
Ban in outdoor eating areas**

1330 **Clerk:** Question 594, the Hon. Mrs I M Ellul-Hammond.

1335 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise whether he has considered the banning of smoking in outdoor designated areas for eating and whether legislation on this will be brought to Parliament?

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

1340 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, improvements to the Smoke Free Environment Act, as to many other Acts, are continuously being considered.

**Hon. Mrs I M Ellul-Hammond:** But Mr Speaker, is this consideration likely to be brought to this House as an improvement to the legislation?

1345 **Hon. Dr J E Cortes:** Mr Speaker, the consideration will not, the result of the consideration would have to come to this House if there is a need subsequent to that to amend or to propose to amend the Smoke Free Environment Act.

1350 **St Bernard's Hospital  
New Stroke Unit**

**Clerk:** Question 595, the Hon. Mrs I M Ellul-Hammond.

1355 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the Stroke Unit will be set up at St Bernard's Hospital as per the Government's manifesto?

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

1360 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, discussions are taking place with the clinicians to determine the best model for stroke care for Gibraltar. This will include a visit from an expert in stroke management later this month. Following this, a timetable for implementation will be prepared. I trust that the hon. Members opposite will unanimously support this initiative.

1365

1370 **Electronic Health Record system  
Implementation**

**Clerk:** Question 596 the Hon. Mrs I M Ellul-Hammond.

1375 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in response to the Hon. Minister's latest aim, yes, we will certainly support such an initiative for a stroke unit at St Bernard's Hospital.

Mr Speaker, can the Minister for Health say when the new Electronic Health Record system will be up and running?

1380 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, a tender package for the Electronic Health record is being prepared. The implementation date will depend on the successful tenderer.

1385 **Mrs I M Ellul-Hammond:** Mr Speaker, when did the tender notice go out, and by when do tenders need to be submitted?

1390 **Hon. Dr J E Cortes:** Mr Speaker, I said that the package is being prepared; it has not yet gone out, it should be out shortly.

1395 **Principal Nurse Lecturer  
Advertising vacancy**

**Clerk:** Question 597, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise when the vacancy for Principal Nurse Lecturer which is to become vacant soon will be advertised?

1400 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, a designate post will be established and advertised shortly with a view to facilitating a suitable practitioner to obtain the necessary experience for the role.

1405 In the meantime, the post will be temporarily filled by a well qualified professional following discussion with Kingston & St George's University, who are responsible for the nurse training programme.

1410 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister said advertised 'shortly' – shortly as in when, the next few days, few weeks, months?

**Hon. Dr J E Cortes:** Mr Speaker, shortly – shortly I could not be more short than that.

1415

#### **GHA Complaints Process and Gibraltar Ombudsman service Function**

1420 **Clerk:** Question 598, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how the new GHA Complaints Process, in tandem with the Gibraltar Ombudsman service, works?

1425 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the new Complaints Procedure is not yet in place.

1430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say that once it is in place, who will be dealing with arbitration on site for small or informal complaints, or will all complaints need to be formally investigated?

1435 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that that question is one that I need to answer. We are working with the Ombudsman and with the responsible people within the GHA in developing the complaints process. I answered quite honestly and truthfully, as would be expected of course, that the new procedure is not yet in place. I cannot discuss the new procedures details because they still have not been finalised.

1440

#### **Consultants' Contract Progress in negotiations**

1445 **Clerk:** Question 599, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say what progress has been made on negotiating the Consultants' Contract, what has been the delay and when will the matter be resolved?

1450 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, discussions are proceeding.

1455 Meetings have taken place with Unite the Union and GGCA and their consultant representatives to define the relevant items for discussion/negotiation and a Heads of Discussion paper is currently under consideration.

Further meetings are planned and after those have taken place, later this month, I will be in a better position to indicate when this matter might be resolved.

1460 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am conscious that those of us who are on either side of the House are able to move in and out and have a refreshment or otherwise have a comfort break,

but unless I move a recess neither you nor the Clerk are able to do so, so I would invite the House to recess for 15 minutes.

1465 **Mr Speaker:** The House will now have a short recess.

*The House recessed at 4.52 p.m. and resumed its sitting at 5.13 p.m.*

1470

## **EQUALITY, SOCIAL SERVICES AND THE ELDERLY**

### **Alzheimer & Dementia facility Advertising vacancies**

1475

**Clerk:** Question 600, the Hon. Mrs I M Ellul-Hammond.

1480 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the vacancies for the former RNH Alzheimer & Dementia facility workforce will be advertised and what will be the composition and skill mix?

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

1485 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, when a decision is taken, it will be announced.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say again when the Alzheimer/Dementia facility is scheduled to open? Is it this autumn or at the beginning of the New Year?

1490 **Hon. Miss S J Sacramento:** Mr Speaker, I have never said that it would be ready to open this autumn. What I have said in this House is that it should be ready to open either at the end of this year or at the beginning of the New Year.

1495 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so how many months is it necessary in order to put a workforce plan together, seeing that the hospital should be opening within the next two to three months?

**Hon. Miss S J Sacramento:** Mr Speaker, it is not a hospital; it is a residential facility, and once the plans have been finalised, appropriate announcements will be made as they are appropriate.

1500 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, these are plans for the facility or the plans for the workforce structure?

1505 **Hon. Miss S J Sacramento:** Mr Speaker, on the basis that the primary question relates to the workforce then my supplementary answer relates to the workforce.

### **Acting Nursing Co-ordinator, Mount Alvernia; acting Disability Team Leader Details of posts**

1510

**Clerk:** Question 601, the Hon. Mrs I M Ellul-Hammond.

1515 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 144/2013, can the Minister for Social Services say whether the post of acting Nursing Co-ordinator at Mount Alvernia has been reviewed and whether it will become a permanent post?

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

1520 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 602.

**Clerk:** Question 602.

1525 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question No. 145/2013, can the Minister for Social Services say whether the post of acting Disability Team Leader has been reviewed and whether it will become a permanent post?

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

1530 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, both posts continue to exist in the complement as provided for in the budget of income and expenditure for the current year in the same way as it existed in previous years.

1535 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the acting Nursing Co-ordinator at Mount Alvernia, in February the Minister said that it was being filled on an acting capacity, so is this position still being reviewed eight months later?

1540 **Hon. Miss S J Sacramento:** Mr Speaker, that supplementary question is a different question to the substantive question, because the substantive question relates to the post and the post has always been there... well, has been there for the last couple of years, as provided for in the budget of income and expenditure.

1545 **Hon. Mrs I M Ellul-Hammond:** I will reiterate the supplementary, Mr Speaker. In February, the Minister said that this post was being filled on an acting capacity, and that the position was being reviewed. My question is, is this position still being reviewed eight months later?

**Hon. Miss S J Sacramento:** The answer is yes, Mr Speaker, but I still make the point that it is a completely different question to the substantive question.

1550 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the post of acting Disability Team Leader, in February the Hon. Minister said that by the next sitting of Parliament, which was May, the Disability Service Review would have concluded. Can the Hon. Minister say what has been the conclusion of the review?

1555 **Hon. Miss S J Sacramento:** Mr Speaker, I think I said I would have hoped it would have been concluded, but the service continues to be reviewed and the status quo continues as it was then.

1560 **Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, the Hon. Minister is saying that still eight months later the service and the post of the acting Disability Team Leader is still being reviewed?

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, the Disability Service continues to be reviewed with the aim that it is much better improved by the end of it.

1565 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, and just one final supplementary on the Nursing Co-ordinator at Mount Alvernia: is this position at the moment being filled by a Care Agency member of staff or a GHA member of staff?

1570 **Hon. Miss S J Sacramento:** Mr Speaker, this is a Care Agency post and at present the person acting in this post is from the GHA, as indeed are other people in the Care Agency who are acting in the Care Agency and in the previous administration as well.

1575 **Residential Home Manager, Tangier Views  
Review of post; restructure of residential service**

**Clerk:** Question 603, the Hon. Mrs I M Ellul-Hammond.

1580 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question No. 146/2013, can the Minister for Social Services say what the conclusion of the review of the outstanding post of the Residential Home Manager of Tangier Views is, and what the new restructure of the residential service is?

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



1585 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the review has not concluded.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister in February said that the review is almost concluded and a restructure is being planned for the new financial year. We are now nearly six  
1590 months into the new financial year with still no restructure. Did the Hon. Minister perhaps mean next financial year?

**Hon. Miss S J Sacramento:** No, Mr Speaker, things are being reviewed. As things are reviewed, other things come up. When one conducts a review in consultation with the staff and listens to the staff,  
1595 things will take as long as they take, but as long as management and staff are working together and it is not an issue for the staff, then let the review take as long as it needs to take, to make sure that the outcome is the optimum outcome.

**Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, how much longer will the outcome be the optimum  
1600 outcome, how much longer will that take?

**Hon. Miss S J Sacramento:** As long as it has to, Mr Speaker.

1605

### Waterport Terraces Day Centre Opening

**Clerk:** Question 604, the Hon. Mrs I M Ellul-Hammond.  
1610

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question No. 463/2013, can the Minister for Social Services say when the Day Centre at Waterport Terraces will be opening?

**Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.  
1615

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 605.

**Clerk:** Question 605.  
1620

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if the vacancies for the workforce for the Day Centre have been advertised and how many staff will be employed to run the Centre and what will the skill mix be?

**Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.  
1625

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, there is no date at present for the opening of the Day Centre at Waterport Terraces.

In Question 605, the hon. Lady has not specified which day centre she is referring to, and on the basis  
1630 that she has asked other questions relating to Waterport Terraces Day Centre, I am assuming that she is referring to this facility in this question and the answer provided is on this basis.

Vacancies have not been advertised and no final decision as to workforce has been taken.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, yes, the Hon. Minister is correct, it is the Day Centre at  
1635 Waterport Terraces.

Mr Speaker, in June the Hon. Minister said that the Waterport Terraces Day Centre would categorically be opening in a couple of months. What has been the delay?

**Hon. Miss S J Sacramento:** Mr Speaker, I do not recall categorically saying that it would be opening  
1640 in a couple of months; I recall having said that it would be opening shortly.

Now, Mr Speaker, there are things that are being looked at because when one is responsible with the administration of public funds, one starts to look at the best outcome for the service, for the product and for the money being spent on it. Therefore, while it is still my desire to open it shortly and indeed very shortly, because for me everything I want to do very quickly, but these things take time, Mr Speaker, and more haste less speed, which is perhaps something that the previous administration could have employed  
1645 when dealing with the Care Agency. **(Several Members: Hear, hear.) (Banging on desks)** But the hon.

Lady, Mr Speaker, can rest assured that when this facility is open, it will be a fantastic facility and I cannot wait to open it myself.

1650 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I am sure the Hon. Minister did not mean to mislead Parliament, but if I can read from *Hansard* of June, the Hon. Minister said, ‘We are now at a stage where I can say categorically (*Interjection*) that this centre will be opened in the next couple of months, Mr Speaker.’ (*Interjections*)

1655 **Hon. Miss S J Sacramento:** Mr Speaker, I certainly would never intend to mislead Parliament (*Interjections*) and I did say that I did not recall what I said, but that I thought that I had said that it would be open shortly, Mr Speaker. (*Interjections*)

1660 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, again back in June, the Hon. Minister said, ‘The facility itself is now ready and what we are doing is we are dealing with the staffing issues.’ Four months later, does the Minister still not know how many staff need to be employed or what the skill mix would have to be and a date to advertise these vacancies?

1665 **Hon. Miss S J Sacramento:** Mr Speaker, we are going round in circles here because I have already answered that question. I have already said that I am looking at what is happening and as soon as it is ready, then everything will be announced as appropriate.

1670 **Hon. D A Feetham:** Mr Speaker, can the hon. Lady at least answer this, what has changed from the use of the word ‘categorical’ in June to now the hon. Lady being a convert to this principle of less haste, etc? What has happened between June and now for the hon. Lady to have such a seismic shift in the way that she approaches this?

1675 **Hon. Miss S J Sacramento:** Mr Speaker, there has not been any seismic shift as they are trying to imply. Because the intention is always to open things as soon as possible, (*Interjections*) but as properly and as responsibly as possible, and all that has happened is that we have reviewed our initial views on how this was going to happen, and we have changed our mind in a certain way of things – so what, Mr Speaker? We are just looking at it so that it is the most efficient and cost effective place that can be run, because we are responsible with the use of the taxpayers’ money, Mr Speaker.

1680 **Hon. D A Feetham:** So Mr Speaker, this has nothing to do, for example –

**Chief Minister (Hon. F R Picardo):** If I might just add to that –

1685 **Hon. D A Feetham:** I am on my feet already –

**Hon. Chief Minister:** Then I will not be able to give you the benefit of what I am going to say –

1690 **Hon. D A Feetham:** Well, if he wants me to give way, I have asked him on a number of occasions and I will give way. He has not to me on a number of occasions, but I will to him.

**Hon. Chief Minister:** That’s okay... [*Inaudible*] (*Laughter*)

1695 **Hon. D A Feetham:** Well, Mr Speaker, can the hon. Lady then assure us that this is nothing to do with the Government’s priorities for funding, that the hon. Lady... this is not a situation, as indeed those of us who have been Government Ministers may have at one time or another experienced, where the Government has to lay down priorities and the cause of the shift from categorical to the position that she adopts now is that she has been told either by the Finance Minister or probably more likely by the Minister for Employment, Mr Bossano that there is no money for this particular project at this present time?

1700 **Hon. Chief Minister:** Well, Mr Speaker, let me deal with what I was going to deal with and as Minister for Finance also deal with that point. That is not the position, Mr Speaker. There is money for this project and for more.

1705 Mr Speaker, that is what prudent management of finances of the Government delivers. Instead of spending £24 million initially on an Airport that cost £80 million, we are able to ensure that we deal with issues like this.

But I think, Mr Speaker, it is very unfair to have done what the hon. Lady did in the report quote that she purported to take from *Hansard*. In fact I think the important thing is to look at the whole of the

1710 *Hansard*. It starts at page 19 of the relevant day at line 195, Mr Speaker, and the first reference to a time when the facility will be open when the Hon. the Minister spoke was to say this, after having said it would open shortly:

‘I think that, realistically, Mr Speaker, the answer to that is within a couple of months.’

1715 There then ensued a very long debate, Mr Speaker, before – (**Mr Speaker:** Debate! Debate!) indeed, Mr Speaker, indeed I am very sorry to say – and it was only then, at the very end of that process, that the quote that the hon. Lady has referred to appears, and I think it is fair, Mr Speaker, to put it in context for those, I was going to say ‘listening’, but today it may actually be watching, and that is the phrase at line 1190, Mr Speaker. This is where the Minister said:

1720

‘We are now at a stage where I can say, categorically, that this centre will be opened in the next couple of months, Mr Speaker. For me, as far as I am concerned, I would wish for it to be opened tomorrow; I would in fact wish for it to have been opened yesterday. But these things happen, Mr Speaker, they are not easy to do and to do them properly, we need to do them well.’

1725

So in fact, Mr Speaker, the Minister is exactly where she was then: she wants to ensure that this is done properly. We do not want another fiasco, Mr Speaker, like the Mental Health Centre, where there was a lot of speed, very little haste and the whole thing has meant that the whole facility has had to be redesigned and more good money thrown after bad.

1730

**Hon. D A Feetham:** Mr Speaker, with respect, he has left out the first sentence of that paragraph, which he has just read:

1735

‘We are now at a stage where I can say, categorically, that this centre will be opened in the next couple of months, Mr Speaker. For me, as far as I am concerned, I would wish for it to be opened tomorrow; I would in fact wish for it to have been opened yesterday. But these things happen...’

What she is saying is –

1740

**Hon. P R Caruana:** Lamenting the two months’ delay.

**Hon. D A Feetham:** Exactly. She is lamenting the two months delay, but she is saying that it will categorically be opened within the next couple of months. Because I have to ask a question, is that not the case?

1745

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is reaching new heights of misunderstanding. He gets up and says, ‘What you have not done is read the first sentence.’ Actually, Mr Speaker, I read the whole of the first sentence that he then re-read. I know, Mr Speaker, that sometimes he and I have difficulty understanding each other, but I thought we could hear each other, and therefore, Mr Speaker, I have nothing more to add, other than the Government’s intention is to open this centre as soon as possible, but to do it properly and that is requiring a bit more time than anticipated.

1750

I understand that they might want to urge us to do this. They did not do it in their time, Mr Speaker. It was closed for a very long period of time. In fact, it was closed for three years after it was completed in their time. Yes, well, nothing was done with the unit for three years and therefore, Mr Speaker, we will take this as their encouragement that our policy of doing this day centre there is one that they encouraged to such an extent they now adopt it and wish to have it delivered as soon as possible.

1755

Thank you for that backhanded compliment: we are on our way.

1760

**Alzheimer & Dementia facility  
Conversion of former John Mackintosh Wing**

**Clerk:** Question 606, the Hon. Mrs I M Ellul-Hammond.

1765

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say who advised on the conversion design and layout of the former John Mackintosh Wing into an Alzheimer & Dementia facility?

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 607 to 609.

1775 **Clerk:** Question 607.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the plans for the conversion project of the former John Mackintosh Wing into an Alzheimer & Dementia facility will be submitted to the DPC?

1780 **Clerk:** Question 608.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if the John Mackintosh Trust has approved the change in design of the new project at the John Mackintosh Wing of the former St Bernard's Hospital?

1785 **Clerk:** Question 609.

1790 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if building approval has been sought on the works being carried out at the former John Mackintosh Wing and whether it has a certificate of fitness?

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

1795 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the John Mackintosh Wing will not be an Alzheimer & Dementia facility. It will be a residential facility for frail elderly which will include people with Alzheimer's.

The John Mackintosh Trust has been fully apprised of the developments at the site and the change of plans. The changes have been accepted by the Trust.

1800 A team comprised of Government project managers, Care Agency and GHA management have been involved in the re-design of the layout, the plans have already been submitted to the DPC and Building Control Department.

As with all HMGOG projects, building approval has been sought on the works being carried out. The works are not complete and as such a certificate of fitness cannot yet be issued.

1805

**Alzheimer & Dementia facility, former John Mackintosh Wing  
Advertising vacancies**

1810 **Clerk:** Question 610, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the vacancies for the former John Mackintosh Wing Alzheimer & Dementia facility workforce will be advertised and what will be the composition and skill mix?

1815

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, when a decision is taken, it will be announced.

1820

**Hon. D A Feetham:** Mr Speaker, yes, I understand that when she said that when a decision is taken, it will be announced. Is she saying that there has been no decision as to the composition and skill mix of the workforce or has that decision been taken but the Government really is not in a position to, or does not want to announce it at this stage? Because a considerable amount of work presumably must have gone into, and the Government must have an idea of the composition and skill mix of the workforce needed for this particular facility, I presume.

1825

**Hon. Miss S J Sacramento:** Mr Speaker, the question was in relation to advertisement of the composition and the skill mix and that is the basis on which I formulate my question. Yes of course work has been done in relation to the general number of staff that will be required for this. When you work in these types of environment there are certain ratios that apply depending on the level of dependency of the beds. We have a general idea but it is indeed as the hon. Member said we are not in a position to announce it now.

1830

1835 **Hon. D A Feetham:** With respect to the hon. Lady the question was, 'will be advertised', and then there was a second part of the question, 'and what will be the composition and skill mix', so effectively it is two questions in one. Hence why I have asked my supplementary. But she has answered it.

1840

## TRAFFIC, HOUSING AND TECHNICAL SERVICES

### Traffic and parking management Role of Mott MacDonald

1845

**Clerk:** Question 611, the Hon. S M Figueras.

1850 **Hon S M Figueras:** Mr Speaker, can the Hon. Minister for Traffic say whether Messrs Mott MacDonald are playing an active role in the management of Gibraltar's traffic and parking in any capacity during the time that the Government awaits preparation of the Sustainable Traffic and Transport Management plan?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1855

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, Mott Macdonald are the Government's appointed consultants, engaged to assist with the development of Gibraltar's Sustainable Traffic, Transport and Parking Plan. Their role is to provide specialist advice on matters relating to this with the purpose of delivering the plan. This does not mean that they are involved in day-to-day management decisions regarding traffic and parking matters.

1860

**Hon. S M Figueras:** Mr Speaker, can the Minister say, having taken notes certainly of what he has just said in his answer, whether any traffic management situation or decision is run by them for any kind of advice or whether that has been the case, since they have been taken on to prepare the plan?

1865

**Hon. P J Balban:** Mr Speaker, the traffic consultants are there to develop the plan for Gibraltar. They do not take decisions in that respect; that is taken by other persons, so the reply is no.

1870

### Eastern Beach multi-storey car park Details

**Clerk:** Question 612, the Hon. S M Figueras.

1875

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic provide more details in relation to the multi-storey parking facility at Eastern Beach, announced as part of the launch of the two housing projects at the Aerial Farm and the current coach park?

1880

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1885 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, in fulfilment of the Government's manifesto commitments to provide 300 parking spaces at Eastern Beach we recently announced that we would be constructing a new multi-storey car park on the site of the existing car park at the entrance to the beach. This will consist of a two-storey structure providing 147 spaces at ground level, 143 at the first level and 150 on the top open deck, thereby providing a total of 440 spaces. Preliminary works will very shortly be starting, with the intention being that completion is achieved prior to the start of the next year's bathing season.

1890 **Hon. S M Figueras:** I did not quite catch where exactly the multi-storey facility is going to go – in Eastern Beach certainly, but I did not quite get the detail. Perhaps the Minister will be so kind as to repeat it.

1895 **Hon. P J Balban:** Mr Speaker, the multi-storey facility will be positioned at the entrance to Eastern Beach.

**Hon. S M Figueras:** Mr Speaker, can the Minister say whether what he means by ‘at the entrance to Eastern Beach’ is on the east side reclamation bit, at the entrance to the beach, or – ?

1900 **Mr Speaker:** The existing car park.

**Hon. S M Figueras:** But, Mr Speaker, there are a number of car parks in the area, hence why I am driving at this point.

1905 **Hon. P J Balban:** Mr Speaker, it is actually where the existing small car park is, opposite Latinos on the Beach.

**Hon. S M Figueras:** Mr Speaker, one more supplementary. Is the Hon. Minister in a position to say to what use it is intended these parkings will be put? (*Interjection and laughter*)

1910 **Hon. P J Balban:** Mr Speaker, the facility is meant to be for parking vehicles! (*Laughter*)

**Hon. S M Figueras:** Yes, well, guided by the Chief Minister, I could have expected that the answer would be about as helpful as that!

1915 Clearly, I need to be a little more specific as is the pattern that has been developing for some time in respect of even more serious matters than parking.

Perhaps the Minister will indulge me once more and provide me with some information in relation to whether the parking facility will be used exclusively for the use of residents at the new Aerial Farm housing project or whether some of these will be available to the public for use attending the beach or the area. It was information of that nature that I was driving at, Mr Speaker.

1920 I am grateful for the Chief Minister’s interjection.

**Hon. P J Balban:** Mr Speaker, the housing project at the Aerial Farm will have its own parking so the intention of this new parking is for beach users and general public.

1925 **Hon. S M Figueras:** Yes, one more supplementary. Is it intended that this will be a paying car parking facility or free to Gibraltar residents?

**Hon. P J Balban:** Mr Speaker, there will be no charge for use of this car park.

1930

#### ADJOURNMENT

1935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn until tomorrow at quarter past nine in the morning.

**Mr Speaker:** I now propose the question, which is that the House do now adjourn to tomorrow at 9.15 in the morning.

1940 I now put the question, which is that this House do now adjourn to Friday 18<sup>th</sup> October at 9.15 a.m.

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

The House will now adjourn to Friday 18<sup>th</sup> October at 9.15 a.m.

*The House adjourned at 5.43 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 10.45 a.m.

Gibraltar, Friday, 18th October 2013

## The Gibraltar Parliament

*The Parliament met at 9.15 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

## Questions for Oral Answer

### TRAFFIC, HOUSING AND TECHNICAL SERVICES

#### Parking problems Plans to address

**Clerk:** Sitting of Parliament, Friday, 18th October 2013. Answers to Oral Questions continue.  
Question 613, the Hon. S M Figueras.

5 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic say what he plans to do to address the daily parking misery for working Gibraltarians?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

10 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the Government's Sustainable Traffic, Transport and Parking Plan will look at parking and include strategies aimed at trying to improve what has traditionally been a problem locally. The general classification of this as a 'misery' by the hon. Member is, however, a matter of opinion as different areas of Gibraltar have different types and levels of problems at different times of the day but what is clear is that any 'misery' which is being experienced stems from long before 9th December 2011 and will likely be relieved

15 (*Banging on desks*) – where appropriate – by the implementation of the findings of the GSLP/Liberal Government’s Sustainable Traffic, Transport and Parking Plan.

**Hon. S M Figueras:** Mr Speaker, since the New Dawn, all that we have heard in the context of traffic is that the Sustainable Traffic and Transport Plan will be the magic pill that solves all the problems. Is it not the case, Mr Speaker, that works on Commonwealth Park have certainly not assisted in dealing with this parking misery?

**Hon. P J Balban:** Mr Speaker, on the contrary, if we look at actual parking statistics – if we look at the parking that was lost at the Commonwealth Park, there was a total of 342 spaces lost at the Commonwealth Park, now what happened was that across from the Commonwealth Park provision was made for this and now there are a total of actually 360 so in fact there has been a net gain in parking, (*Banging on desks*) apart from that there has also been 17 spaces over and above the 360 which have been allocated for pay and display, allowing people who want to go to work or want to go to any of the leisure places along Queensway Quay, for example, can do so.

**Hon. S M Figueras:** I see, Mr Speaker, yes, indeed, but the fact that the parking has been provided now does not change the fact that Commonwealth Park and the works relating to it have caused significant difficulties for drivers every day. But, Mr Speaker, will the Hon. Minister say whether it is intended to deal with anything to do with traffic to try and address what is a daily parking misery for working Gibraltarians despite what he might say, before Messrs Mott Macdonald provide him with any kind of suggestions or recommendations? (*Banging on desks*)

**Hon. P J Balban:** Mr Speaker, the hon. Gentleman has to realise that yes, the Commonwealth Car Park is under construction but the loss of parking was mitigated. In fact, there has been a net increase in parking spaces – which means to say that obviously it would have been ideal to have had Commonwealth Park and have had the other car park, but that is just not possible. We have got... It is just not possible.

But what has happened is there has been a net increase, so if you compare parking now to before 9th December, there has been an increase in parking spaces.

Now, to the second part, obviously the Government has invested in a consultant which is there for this purpose to give advice as to where we go from here. There are many things that we have already in the pipeline that will happen, (*Interjections*) but of course, there are loads of things that need to be done which were there before 9th December. I can give you an example, the Trafalgar Interchange was not made with the pedestrian in mind. There is absolutely no concern for the pedestrian. That is something that this Government is very, very conscious of and it is something this Government intends to improve upon and to correct.

**Hon. S M Figueras:** Mr Speaker, it is interesting that the Minister should today say that the Trafalgar Interchange is one of the GSD initiatives – not surprisingly – that they are seeking to review at some point, when previously in sessions of this House, he has said that that was something that will be decided once the Sustainable Traffic and Transport Plan was created.

But be that as it may, Mr Speaker, what would he say to the suggestion that the reality, post the New Dawn, will be that the park will be on one footprint of prime real estate in Gibraltar and the two levels of parking that were part of their manifesto commitment will now be on two other equally large footprints of prime real estate in Gibraltar?

**Mr Speaker:** The Hon. Minister does not have to answer that question because he is being asked to express an opinion.

**Hon. S M Figueras:** I am grateful, Mr Speaker.

In relation to parking generally, we heard yesterday, as well, that the new parking that was announced by the beach that was in pursuance of their manifesto commitment for 300 parking spaces will now in fact have 440.

Mr Speaker, can the Minister say how he reconciles all these promises and partial delivery of some parking, a lot of which is needed, with the environmental filter that this Government holds in such apparent high regard?

**Hon. P J Balban:** Mr Speaker, I am not entirely clear what the hon. Gentleman is referring to in terms of the environment. The environment aspect of it – can he be more specific?

**Hon. S M Figueras:** Mr Speaker, there is no issue of being more specific. The question was really rather clear and that is how the Minister reconciles the manifesto commitment and partial delivery of all



these car parking spaces with the environmental filter that this Government holds in such apparent high regard.

80 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may, these things are not mutually exclusive (*Laughter*) – no absolutely not. (*Interjections*) The new car parks, for example, will all be fitted with charge points for electric vehicles and we have already led the way in the Government's fleet by having our own hybrid and electric vehicles as we have seen recently, and clearly the increase in parking spaces will help in the day to day.

85 But that does not mean that the Government would carry on encouraging the use of public transport, as we saw yesterday here, that we are looking at a new bus fleet and an increasingly efficient bus service. In fact, it would do us good to have more parking spaces, because then we can use public transport and we can leave our cars parked and not burning fuel.

90 **Hon. S M Figueras:** Yes, Mr Speaker, it is in fact, it is indeed very interesting, but the bulk of the parking spaces that you are planning to build are in the city centre and that is what is so incongruous and that is what I am asking the Government to reconcile with their environmental filter.

95 **Hon. P J Balban:** Mr Speaker, in fact, most of the car parks in the centre of town were actually car parks built by the Members across the floor. They started building Engineer's Lane car park and they started building the Theatre Royal car park . The fact that we decide to build a car park at Queensway is something which we thought was very important, was vital – as you rightly say, because you started this question, saying the misery of local persons. We cannot force people, or put guns to their head and tell them they cannot use their cars. We can actively try to encourage them not to use their cars by way of encouraging use of public transport, improving on public transport, improving on other methods and other ways, but what we cannot tell people, 'You cannot use your cars', and hence you need to have some facility for them to park in town.

105 **Hon. S M Figueras:** Mr Speaker, can the Minister say how they have improved public transport from what they inherited in December 2011, much as he claims that this is what they should be doing?

The fact of the matter is, Mr Speaker, that we were not the Party with the so-called environmental filter, we were not the Party that offered twice the number of parking spaces on site at Commonwealth Park, and that is the difference between that party on that side of the bench and this party here. (*Interjections*)

110 **Hon. P J Balban:** Mr Speaker, yes, we across the floor on this side of the House are very aware that it was this party who had the environment close to heart. In fact, one of the only things done by the Members across the floor was, at the very last minute, to get GibiBikes on the road, and the GibiBikes have been... as we have explained, have given us problems from the start. So that was as much as was done for the environment by the previous administration.

115 This Government is clear – no-one can deny the fact that this Government has looked into not only changing the fleet of vehicles; we have started with the new G1, which is a totally electric vehicle. We have got hybrids within the Government fleet. As my colleague explained earlier and as the next question will touch upon, all our car parks have and will have the infrastructure needed to provide electric... The infrastructure for electrical systems will be there, so in future anybody who wishes to buy an electric vehicle or a plug-in hybrid will be able to do so. That is a very positive step for the environment.

120 **Mr Speaker:** Hon. Members are beginning to debate now. The purpose of Question Time is to elicit information or to press the Government to take a certain line of action, but not to debate different policies.

**Electric or hybrid vehicles**  
**Plans for electricity charging bays in local car parks**

130 **Clerk:** Question 614, the Hon. S M Figueras.

135 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic say whether there are any plans for the provision of electricity charging bays in local car parks for the use of electric or hybrid plug-in vehicles?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

140 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, charging points for electric and hybrid plug-in vehicles have been provided in the Engineer's Lane and Arengo's Palace multi-storey car parks. These were not part of the original design but were added to cater for users of said car parks acquiring these types of vehicles in the future. Charging points are also being installed in the new car park currently under construction at South Pavilion.

145 The improvement of air quality is one of the objectives of the Government's Sustainable Traffic, Transport and Parking Plan and greater use of environmentally friendly vehicles would contribute towards this. The provision of more charging points is therefore something that is being considered for new parking facilities to be developed in the future.

150 **Hon. S M Figueras:** Mr Speaker, as a proportion of all the parking spaces that the Minister has referred to in Engineer's Lane and Arengo's Palace and the new car park at South Pavilion Road, is he able to say what proportion of those parking spaces will have facility.

155 **Hon. P J Balban:** Mr Speaker, the infrastructure has been laid for the whole parking, so although you cannot see the charging points there and then, and we are not going to place or install expensive charging facilities in all the parking bays when people at this moment in time have not got electric vehicles or have no intention of buying them at the moment, but the actual infrastructure the cabling is there, so in the future if people wish to have an environmentally friendly vehicle, that can be arranged. Suitable sockets can be placed in that parking bay in question.

160 **A Member:** Hear, hear. (*Banging on desks*)

165 **Government's new housing projects  
Charging points for vehicles; tender bids; sales and rentals**

**Clerk:** Question 615, the Hon. S M Figueras.

170 **Hon. S M Figueras:** Yes, can the Hon. the Minister for Traffic say whether provision will be made in any of the new housing estates of electricity charging points for vehicles in the developments' parking areas?

**Clerk:** Answer the Hon. the Minister for Traffic, Housing and Technical Services.

175 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 620 and 621.

**Clerk:** Question 620, the Hon. E J Reyes.

180 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details of all tender bids received in respect of Government's new housing projects as recently announced?

**Clerk:** Question 621, the Hon. E J Reyes.

185 **Hon E J Reyes:** Can the Minister for Housing provide details of how many houses will be for sale and how many for rental, in respect of Government's new housing projects as recently announced?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

190 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, tenders were invited on 7th December 2012 for the development of the Aerial Farm site for an affordable housing scheme.

Similarly, tenders were invited on 5th February 2013 for the development of the Coach Park site, again for an affordable housing scheme, although in this instance it included one building for rental, for the elderly.

195 Both tenders were evaluated following the principles and requirements set out by EU and Gibraltar Legislation in respect of public procurement. This resulted in the Aerial Farm tender being awarded to GJBS and the Coach Park tender to Casais.

The Aerial Farm affordable housing scheme will be for the sale and this consists of a total of 564 flats, comprising 38 one-bedroom flats, 166 two-bedroom flats, 321 three-bedroom flats and 39 four-bedroom flats. The majority of the flats at the Coach Park site will also be part of the affordable housing scheme. This consists of 380 flats, comprising 65 one-bedroom flats, 143 two-bedroom flats, 152 three-bedroom flats and 20 four-bedroom flats. The 65 one-bedroom flats will be provided for rental for the elderly.

Adequate parking provision will be provided within both estates and this will include the provision of electricity charging points for vehicles.

205 **Hon. E J Reyes:** Mr Speaker, can I please clarify a little point there? I think the Minister, from my note, said that there were 380 flats being built at the Coach Park and he said the majority would be for sale. Am I right in deducing that other than the 65 for rental, which I think is the amount for the elderly, all the rest remain for sale or some of the remainder that are not for the elderly are also for rental?

210 **Hon. P J Balban:** Mr Speaker, yes I did say that 380 flats were being built and that the 65 one-bedroom flats which I mentioned will be provided for rental for the elderly, the rest are low cost homes within those estates.

215 **Hon. E J Reyes:** So Mr Speaker, I still have a minor doubt, other than the 65 rental that seem to be suited for the elderly all the others will be for sale and therefore no rental for those on the general housing waiting list.

220 **Hon. P J Balban:** Mr Speaker, as mentioned, there are 65 one-bedroom flats which are provided for rental for the elderly within this estate. It is obviously assumed that many of the persons who intend or who will take over these flats and there is a big demand for these flats, will relinquish their own flats which means to say that we will have an amount of flats which will go back into the housing stock.

225 **Hon. E J Reyes:** Thank you for that, Mr Speaker.  
In respect of Question No. 620, I asked for details of all tender bids received I have not heard that, Mr Speaker.

230 **Hon. P J Balban:** Mr Speaker, the details that I have given the hon. Gentleman is that the two tenders one was awarded to GJBS and that was the one at the Aerial Farm and the Coach Park was awarded to Casais. The rest of that information is public knowledge that has already been released. (*Interjections*)

235 **Hon. E J Reyes:** Mr Speaker, can the Minister please guide me, because I posed the question because I was not able to find it under publicly available documents? What I want is details of all the tenders received not just the name of the successful tenderer. I want to know company XYZ and what the bid was and so on. If it is a public document, can I please be directed in the right location?

**Mr Speaker:** If the Hon. Minister does not have the information with him, he can try to obtain it and let –

240 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think just to assist, there are two issues. I think the hon. Member may not have all the detailed information with him, but the practice has been and will continue both under the previous administration and I think historically, since procurement commenced in Gibraltar, by way of tender, that the information given is the information of the successful tenderer and the amount in which they bid and also the number of tenderers who submitted bids. I do not think that we have ever given – and when I say ‘we’, I mean the Government and not necessarily this Government – has ever given the details of who else tendered and what the amounts of their submission for tender was. I do not believe that information has ever been given.

245 In any event, Mr Speaker, whilst we check that – because if it has been given before, I see no reason why it should not be given again, but I believe it is not given – in any event, the hon. Gentleman will know that in European tendering – and both of these were European tenders – there is a period when appeals can be made by those who are not successful and for that period certainly, which we are still in as I understand it, we would not be disclosing the names and amounts of those others who might have submitted tenders.

250 So there are two issues, if you will allow me: first of all, checking whether that is information that is ever disclosed, other than the number of other tenderers; and second, the time when it could be disclosed, when you are dealing with a European tender which may be after the period for filing appeals, etc has

passed. I think that time will pass probably by the end of this month. It is a short appeal period of above 30 or 60 days.

260 **Hon. E J Reyes:** Thank you, Mr Speaker, for that clarification.

Yes, I accept that the Chief Minister would like to check that information. Can I add that, if it is the case that it has not been disclosed before, he may well wish to consider and make that information available now. In fact, I do understand what the Chief Minister is saying, that there has to be a period for appeals and so on. Is the Government at least able to say how many tender bids were received, just as a  
265 global figure, whether just one tender or five tenders? How many tender bids were received in respect of each of the projects?

**Hon. Chief Minister:** Mr Speaker, I think that there should not be any difficulty telling the hon. Gentleman how many have been received. I do not think that would affect any appeal process, and it may  
270 be, Mr Speaker, that we do make the decision, when I go back and check that, even if we... 'we', again, the Governments, not just this Government, but historically, since tender procurement began, do not give out the information in the Parliament, because of course there are commercially sensitive aspects about prices that people may have put up. Some people may have a lower price but they may be disqualified because they failed to comply with part of the tender and that is why their price may be lower, so all sorts  
275 of issues like that.

It may be that even if we make the decision that that information cannot be shared across the floor of the House, there may be no difficulty sharing it behind the Speaker's chair, as long as there is a confidentiality accepted and therefore there is not any commercial issue with Members of the Opposition having the information and then sharing it with some of the unsuccessful tenderers. Those are the issues  
280 that we can look at.

I am quite happy to go back and check. My feeling is that we have never shared the information and what I will do is, before I sit down, I will give way to the Minister, so that he can give the information if he has it, of the numbers of tenderers who submitted tenders.

285 Mr Speaker, I have given way to the Minister so he can give the number.

**Mr Speaker:** Does he have the information?

**Hon. Chief Minister:** Yes, he has it.

290 **Hon. P J Balban:** Mr Speaker, if we look at the Aerial Farm tender, there was a total of seven tenders which were accepted, which were submitted, and for the Coach Park tender site there were 12. Now I must say that it does not necessarily follow that they are 12 different companies or seven different companies, because some companies may choose to make different offers for the same project.

295 **Hon. D A Feetham:** Yes, Mr Speaker, the hon. Gentleman has said that he needs to look at the practice and if the practice in the past has been by the GSD Government that this information has been provided, that the Government will also provide it. I think really that should not really be a consideration. At the end of the day, the Government now makes decisions as to whether to disclose information or not  
300 to disclose information. I quite understand, irrespective of what has been the historical practice, that there may be reasons and valid reasons why not to disclose the identity of all of them and I can think of a number of reasons why not to, but that has to stand independently of what the practice has been in the past.

But can I ask him this: have these two successful tenderers been the most economically advantageous tenders that the Government has accepted out of the seven and the 12 – by which I obviously mean that  
305 they have come in at a lower price than the others – or have the successful tenderers been, they may not have been the lowest price but there may have been other reasons why the Government has accepted, because I accept, as well, that in some cases, it may well be there may be valid reasons why the Government may accept one tender above another, even though that was not the lowest price tendered.

310 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman should not think that my Government is going to be constrained by the things his Government did. He knows that we have departed from the practice in myriad instances when we think that the practice of the previous administration or administrations has not been the one to follow now – *vide* monthly meetings of Parliament transmitted live on television and the internet. Where there is a good reason for departing from practice, we depart from it – *vide* public  
315 meetings of the Development and Planning Commission, so that is not going to be the issue.

But where the hon. Members were pursuing, for example, a policy of previous administrations themselves, when they were in Government – and I say plural, because as I have indicated this may be a practice going back to 1977 when the Procurement Act was first introduced – then there may be a very

320 good reason for that. That is why I do not want to depart from that practice without understanding what the reasoning was.

If it was just – he really goads me to say this – the secretive practice of the GSD Government from 1996 to 2011, well look, that is not going to be a reason for us to continue with the practice; but if this is something, as I suspect, that comes from the beginning of public procurement in Gibraltar for competitive reasons in the market, where you do not necessarily want to show other people’s prices to the whole of the market, then that practice is going to continue.

325 That is why I have opened the door slightly ajar to the possibility of sharing information with Members of the Opposition and not necessarily sharing it across the floor of the House, which is another possibility which I am not committing myself to because I would have to understand whether that would have the effect of opening more widely the sharing of information.

330 Mr Speaker, in terms of whether these were the economically most advantageous tenders that were submitted, well look, Mr Speaker, I consider that they certainly would have been, without even looking at the prices, because that is what the criteria established by the tender boards, when tenders are put out, set out to achieve. That does not necessarily mean that the cheapest of the submissions is the one that is chosen, because that may not be the economically most advantageous.

335 You could have, for example, and the Hon. Mr Balban has pointed out that more than one submission has been filed in some instances by the same entity. So you could have a submission from one entity that offers to build  $x$  which would produce a price of an amount per square metre, or another submission from the same entity or another entity that offers to build so much and that produces another price per square metre. You look at them and the price of one is higher than the price of the other on the face of it. This might be £5 million more than this but you get many more square metres for the extra £5 million. So if you work it out per square metre, is that economically more advantageous?

340 The type of construction, the standard of finish proposed, all of those things can affect what you might call the bottom-line price, which may be higher in one instance than in another, but still the higher price might be economically more advantageous, because you get, as I said yesterday in relation to another question, more bang for your buck, even though you are paying more up front. So all of those things are what makes up the tender criteria and it is designed to deliver in effect the best value for money for the taxpayer and in each instance, of course, the Government would not have proceeded with anything other than the best value for money for the taxpayer.

350 **Hon. D A Feetham:** Yes, Mr Speaker, of course I could be forgiven for the comments that I made in preamble to my question because, of late, the Government, Cordoba, the Constitution, the Tripartite talks has been quite keen on taking GSD clothes and adopting GSD policy, but Mr Speaker, can the Hon. the Chief Minister perhaps help us as to whether the price at which these tenders came in were the cheapest, and if they were not the cheapest, can he give us an explanation, a reason why the Government preferred these two tenders above the other tenders? Why they were more economically advantageous to the Government, in the Government’s view?

360 **Hon. Chief Minister:** No, Mr Speaker, I am not going to provide that sort of information at this stage because I am going to go back and check what the practice was. Because even by disclosing whether these are or are not the cheaper, I may be offending that practice which was a GSD practice which I now appear to be offending and I want to understand what the rationale behind that was, before I decide to change it in any way. Even if I am just going to be saying that they were the cheapest or they were not the cheapest, but look, certainly by the next House, I will have had the chance to check, so if he asks then, we can be in a position to share that information, if it is shareable or otherwise.

365 But, Mr Speaker, the reasoning I have already explained, in the event that these were not the cheapest bottom line figures, then they will certainly have been the most economically advantageous for the Government and therefore the most value for money for the taxpayer.

370 He was involved, I assume, in tendering when he was dealing with the Courts development, which, having checked, actually went up from £7 million-odd to £12 million. He is shaking his head. If that did not go out to tender, then perhaps he has some questions to answer about that. But anyway, Mr Speaker, it is always about getting the best value for the taxpayer and there is no question of us doing it in any other way.

375 Finally, Mr Speaker, it is true that the hon. Gentleman has spent the better part of the last two weeks putting foot directly in mouth in respect of a number of different issues, one of them relating to the Government’s attitude to the constitution, another the Government’s attitude to the Cordoba process and the Tripartite Forum. He does not seem to understand the fine differences between us and them on those issues and our attitudes.

Perhaps I can illustrate it to him in a way that is stark enough that even he will understand. We will never adopt the previous Government’s policy on an Andorra style solution.

380 **Mr Speaker:** Does the Chief Minister feel that it is really necessary – we are dealing with questions on housing and electricity parking points – to go into the whole question of the tripartite process?

**Hon. Chief Minister:** Mr Speaker, I apologise for having fallen into the trap laid for me so blatantly by the Leader of the Opposition who did feel that it was necessary to talk about Cordoba, the tripartite and the constitution when dealing with housing, I will not let it happen again. Thank you so much for pulling me up on it.

**Mr Speaker:** Does the Hon. Mr Figueras have any supplementary?

390 **Hon. S M Figueras:** Yes, Mr Speaker, I have looked quickly at the press release in relation to the housing development and if I have missed it, I do apologise, but is there a contract timeframe, contract date or is there an estimate of when the housing projects are expected will be completed?

395 **Hon. P J Balban:** Mr Speaker, the plan is that these housing estates will be finished before the next election, so as to be able to deliver on our manifesto commitment.

**Hon. E J Reyes:** Mr Speaker, if I can come back to what I was asking in 620 and 621. The Minister provided me with information that he said he could provide at that moment in respect of the Aerial Farm and the Coach Park developments. However, there is no reference to another recently announced Government housing project which is that around the Europort Avenue area which I have a figure that it was awarded for £8.9 million to build 72 flats, but the Minister has not told me whether those are going to be for rental and for sale and so on.

405 **Hon. P J Balban:** Mr Speaker, the estate which was actually mentioned in the press release issued yesterday, that is an estate which is for rent, Government rental and it is Government rental for the elderly.

410 **Hon. E J Reyes:** I am much obliged, Mr Speaker, because the press release did not say whether they were for sale or for rental. It did mention the elderly but the elderly are entitled to purchase, I suppose.

#### **Housing Works Agency and the Ministry for Housing Details of review**

415 **Clerk:** Question 616, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answer to Question No. 331/2013, can the Minister for Housing now provide this House with details of the comprehensive review which Government is undertaking of the Housing Works Agency and the Ministry for Housing?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

425 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, as previously advised, the internal report was passed to Cabinet and is still under consideration.

**Hon. E J Reyes:** Does the Minister at this stage have any idea when that consideration will be concluded?

430 **Hon. P J Balban:** No, Mr Speaker.

#### **Mid Harbours Estate Non-compliance of house rules**

435 **Clerk:** Question 617, the Hon. E J Reyes.

440 **Hon. E J Reyes:** Further to the answer provided to Question No. 472/2013, can the Minister for Housing provide details of actions taken in order to curtail non-compliance of house rules at Mid Harbours Estate?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

445 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, further to my answer to Question 472/2013, I am pleased to inform the following: the tender for the CCTV cameras has already been awarded and works for the installation are due to commence.

The installation of barriers at the entrance and exit points of the garage are also at an advanced stage. The tender for these has also been awarded and works are ongoing.

450 We continue to work closely with the RGP who are patrolling the area.

**Hon. E J Reyes:** And in respect of, if I understood it correctly, the CCTV cameras, the tenders have been received, so can the Minister confirm that it is still undergoing the tender analysis process? In respect of the barriers, he says that the works are at an advanced stage. Can he therefore say how much the tender was awarded for and to whom?

**Mr Speaker:** Strictly speaking, I do not think that the details about the work, the tender arise from the original question, which is to provide the House with details of actions taken in order to curtail non-compliance. That question has been answered. In the process of answering, there has been mention of a tender but that does not arise from the original question.

460 **Hon. E J Reyes:** I accept that.

**Mr Speaker:** However, if the Minister has the information at hand and he wishes to provide it, by all means.

**Hon. E J Reyes:** That was my intention, Mr Speaker, I accept that it is stretching it a bit, but the Minister may well happen to have the information and it saves us a question next month and it saves the whole of Gibraltar waiting another month just to hear information that he may well have at hand and he may have no problems in providing it.

**Hon. P J Balban:** Mr Speaker, yes, both of the tenders were awarded. The information I have with me at the moment is that the successful tenderer for the CCTV cameras was Sheriff, and that is as much information I have with me at the moment, Mr Speaker.

475 **Hon. E J Reyes:** I accept that, Mr Speaker, and thank you for allowing me the liberty and obviously you will hint at me very strongly that I pose then the worded question for next month's issue, so the Minister even has advanced notice of what I intend to seek next month.

480 **Hon. P J Balban:** Yes, if the hon. Gentlemen would like to pose the question for the next session of Parliament, I would be happy to provide him with the information requested.

485 **Making empty homes suitable for re-allocation**  
**Expenditure incurred**

**Clerk:** Question 618, the Hon. E J Reyes.

490 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of expenditure incurred since the answer to Question 532/2013 in respect of contracts awarded for making empty homes suitable for re-allocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment as well as indicating if the services contracted were for repairs or cleaning?

495 **Clerk:** Answer the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

Answer to Question 618

Contractors	Aug-13	Sep-13	No. of Properties
Base Maintenance Services		£4,847.00	1
Garcia & Perez Construction Co Ltd		£10,800.00	1
L Luz Property Services Ltd	£6,453.00		1
On The Level Ltd		£15,756.00	1
W&N Works Ltd		£20,200.00	1

ALL SERVICES CONTRACTED WERE FOR REPAIRS  
NONE WERE FOR CLEANING

500 **Hon. E J Reyes:** This is fine, Mr Speaker. I take the opportunity as well to thank the Minister, because in the last question session, we managed to get, at long last, the right formula of what I was seeking and so on, and I see it has been replicated again this month. I am extremely grateful, as this then allows me not to have to present any supplementaries, so I hope we keep to this format for the future as well.

505

**Government rental homes  
Details of repairs**

510 **Clerk:** Question 619, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question 533/2013, indicating how many will be repaired by (a) the Housing Works Agency; (b) sub-contractors; and (c) the assigned tenants themselves?

515 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

520 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question 533/2013, 15 flats have been assigned. The repairs are to be undertaken by the following: (a) Housing and Works Agency – 2; (b) sub-contractors – 12; (c) the assigned tenants themselves – 1.

525

**Government rental homes  
Repairs undertaken to lifts**

**Clerk:** Question 622, the Hon. E J Reyes.

530 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all repairs undertaken to lifts servicing Government rental homes since the answer to Written Question 94/2013?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.



ANSWER TO QUESTION 522

LOCATION	DATE & TIME REPORTED	DATE & TIME REPAIRS COMPLETED	CONTRACTOR
Upper Wave Hse	10/07/13 17:30	11/07/13 13:04	OTIS
Alert Hse	10/07/13 17:41	10/07/13 13:07	OTIS
Sea Wave Hse	10/07/13 18:53	10/07/13 20:42	OTIS
Wave Crest Hse	10/07/13 19:21	11/07/13 20:45	OTIS
Bow Wave Hse	11/07/13 11:16	11/07/13 12:05	OTIS
Bow Wave Hse	12/07/13 22:35	12/07/13 08:57	OTIS
Orsova Hse	15/07/13 17:02	16/07/13 18:12	OTIS
Canton Hse	15/07/13 10:28	15/07/13 16:09	OTIS
Refectorium Hse	16/07/13 22:10	16/07/13 14:06	OTIS
Orsova Hse	16/07/13 10:54	16/07/13 12:09	OTIS
Orsova Hse	17/07/13 10:47	17/07/13 12:03	OTIS
Upper Wave Hse	18/07/13 07:20	18/07/13 13:02	OTIS
Alameda Hse	19/07/13 18:54	19/07/13 19:37	OTIS
Ronalds Hse	21/07/13 09:14	21/07/13 10:22	OTIS
Upper Wave Hse	22/07/13 08:30	22/07/13 13:02	OTIS
Upper Wave Hse	23/07/13 17:30	24/07/13 09:11	OTIS
Upper Wave Hse	24/07/13 17:00	24/07/13 13:36	OTIS
Upper Wave Hse	25/07/13	25/07/13	OTIS

**GIBRALTAR PARLIAMENT, FRIDAY, 18th OCTOBER 2013**

Sea Wave Hse	10:30	11:00	OTIS
	29/07/13	29/07/13	
	09:18	16:45	
Parlay Hse	29/07/13	29/07/13	OTIS
	20:41	21:17	
Ocean Wave Hse	29/07/13	29/07/13	OTIS
	11:00	16:14	
Alameda Hse	30/07/13	30/07/13	OTIS
	11:07	17:15	
Caroline Hse	31/07/13	31/07/13	OTIS
	19:40	20:32	
Referendum Hse	01/08/13	01/08/13	OTIS
	10:50	11:26	
Constitution Hse	01/08/13	01/08/13	OTIS
	10:15	12:04	
George Jeger Hse	01/08/13	01/08/13	OTIS
	13:45	20:11	
Sea Wave Hse	02/08/13	02/08/13	OTIS
	14:45	15:15	
Sea Wave Hse	05/08/13	05/08/13	OTIS
	18:13	19:27	
Bow Wave Hse	05/08/13	05/08/13	OTIS
	21:13	22:12	
Sea Wave Hse	07/08/13	07/08/13	OTIS

Constitution Hse	11:44	14:49	OTIS
	07/08/13	07/08/13	
Alameda Hse	15:22	18:53	OTIS
	08/08/13	08/08/13	
Victoria Hse	10:10	17:45	OTIS
	10/08/13	17:40	
Ironside Hse	12:52	14:10	OTIS
	12/08/13	12/08/13	
Brother O'Brien Hse	10:46	12:56	OTIS
	12/08/13	12/08/13	
Bow Wave Hse	15:38	18:55	OTIS
	12/08/13	12/08/13	
Sea Wave Hse	10:18	11:26	OTIS
	14/08/13	14/08/13	
Bow Wave Hse	09:45	11:24	OTIS
	14/08/13	14/08/13	
Bow Wave Hse	20:39	21:11	OTIS
	14/08/13	14/08/13	
Sea Wave Hse	10:18	11:26	OTIS
	14/08/13	14/08/13	

Constitution Hse	17:57	19:11	OTIS
	16/08/13	16/08/13	
Parlay Hse	17:30	18:29	OTIS
	16/08/13	16/08/13	
Brother O'Brien Hse	16:50	18:01	OTIS
	16/08/13	16/08/13	
Alameda Hse	14:21	18:01	OTIS
	16/08/13	16/08/13	
Sea Wave Hse	21:02	21:32	OTIS
	16/08/13	16/08/13	
Bow Wave Hse	12:10	15:48	OTIS
	16/08/13	16/08/13	

Camille Hse	17:27	17:50	OTIS
	20/08/13	20/08/13	
Bay Wave Hse	09:00	10:42	OTIS
	20/08/13	20/08/13	
Refrigerator Hse	10:01	10:50	OTIS
	21/08/13	21/08/13	
London Hse	12:42	13:04	OTIS
	21/08/13	21/08/13	
Chispa Hse	08:25	12:51	OTIS
	21/08/13	21/08/13	
Coast Wave Hse	10:06	10:44	OTIS
	22/08/13	22/08/13	
Alameda Hse	09:15	11:04	OTIS
	23/08/13	23/08/13	
Sea Wave Hse	15:05	16:32	OTIS
	24/08/13	24/08/13	
Referendum Hse	14:13	14:50	OTIS
	26/08/13	26/08/13	
George Jagan Hse	16:31	18:02	OTIS
	26/08/13	26/08/13	
Alameda Hse	11:52	14:18	OTIS
	27/08/13	27/08/13	
W. World Hse	09:19	11:11	OTIS
	28/08/13	28/08/13	
London Hse	12:21	13:49	OTIS
	29/08/13	29/08/13	
Alameda Hse	21:01	21:30	OTIS
	31/08/13	01/09/13	
Bay Wave Hse	18:19	18:58	OTIS
	01/09/13	02/09/13	
Trust House Hse	12:50	13:55	OTIS
	01/09/13	01/09/13	
Alameda Hse	17:11	17:41	OTIS
	01/09/13	01/09/13	

Proclamation Hse	09:19	11:40	OTIS
	02/09/13	07/09/13	
	08:59	11:26	
George Jeger Hse	02/09/13	02/09/13	OTIS
	18:28	19:31	
Sea Wave Hse	10/09/13	01/09/13	OTIS
	12:47	5:11	
Knights Court	03/09/13	03/09/13	OTIS
	11:05	12:11	
Alameda Hse	05/09/13	05/09/13	OTIS
	11:17	17:11	
Rouisse Hse	03/09/13	03/09/13	OTIS
	15:51	16:18	
Ocean Wave Hse	04/09/13	04/09/13	OTIS
	10:48	13:02	
Referendum Hse	04/09/13	04/09/13	OTIS
	20:19	21:30	
Ocean Wave Hse	05/09/13	05/09/13	OTIS
	18:17	19:33	
Wave Crest Hse	05/09/13	05/09/13	OTIS
	12:39	14:27	
Referendum Hse	05/09/13	05/09/13	OTIS
	11:02	14:03	
Row Wave Hse	05/09/13	05/09/13	OTIS
	10:11	17:05	
Sea Wave Hse	08/09/13	08/09/13	OTIS
	8:15	11:07	
Sea Wave Hse	08/09/13	08/09/13	OTIS
	10:57	21:22	
Ocean Wave Hse	09/09/13	09/09/13	OTIS
	16:16	17:15	
Proclamation Hse	09/09/13	09/09/13	OTIS
	12:16	13:19	
Proclamation Hse	09/09/13	09/09/13	OTIS
	13:01	23:17	

Ironside Hse	19:33	20:46	OTIS
	13/09/13	13/09/13	
Alameda Hse	09:16	10:53	OTIS
	16/09/13	16/09/13	
Sea Wave Hse	16:08	16:53	OTIS
	16/09/13	16/09/13	
Bishop Canilla Hse	10:52	11:10	EMBARBA
	16/7/13	16/7/13	
Bishop Canilla Hse	13:15	13:52	EMBARBA
	15/8/13	15/8/13	
Bishop Canilla Hse	09:02	09:35	EMBARBA
	09/9/13	09/9/13	
Albert Risso Hse	13:22	13:45	FAIN
	19/8/13	19/8/13	
Albert Risso Hse	10:44	10:44	FAIN
	12/9/13	12/9/13	

535 **Mr Speaker:** Now, this is a rather lengthy schedule, so I would suggest that we move on to the next question in the meantime.

540 **Decanting of tenants**  
**Provision of details**

**Clerk:** Question 623, the Hon. E J Reyes.

545 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Written Question 95/2013, indicating the reason why, the date when said decanting became necessary and the date when tenants were able to return to their home?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

550 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 623

A total of three tenants have required urgent decanting. The reasons why, the dates when said decanting became necessary and the dates when these tenants were able to return to their homes, is as follows:

	Reason	Date decanting became necessary	Date when tenant returned home
Tenant 1	Flooding	08/08/13	09/08/13
Tenant 2	Fire at premises	16/07/13	Works ongoing
Tenant 3	Refurbishment/works	30/09/13	Works ongoing

**Mr Speaker:** This is rather shorter and I will allow the Hon. Mr Reyes or any other Member to ask any supplementaries arising from the two schedules.

555 **Hon. E J Reyes:** If I may, Mr Speaker, in respect of tenant number 2 that required the decanting due to a fire at the premises, that seems to have happened towards the end of July and the works are on-going. Does the Minister have by chance any sort of information whether these repair works will be concluded relatively soon, or will it be a case as unfortunately has happened in the past, where he had to eventually re-allocate the house on a permanent basis because the damage was so extensive? Does he have any  
560 indication at this stage whether it is work in progress or it seems to have been such a major thing that the tenants may have well been moved out on a permanent basis?

565 **Hon. P J Balban:** Mr Speaker, with great fear of actually giving a timescale, I did ask that question to my members of staff and they said that they were of the opinion that these works were due to finish next week. Again, that is what they told me.

**Hon. E J Reyes:** Thank you for that, Mr Speaker, that is good enough.

570 What may have to happen, Mr Speaker, is that if I do pose this question again in the future, although the information has been provided to me of when the decanting was necessary and so on, because I also say the dates when the tenants were able to be sent back home.

575 Perhaps in a future answer, if it does end up being a schedule, like tends to happen on most occasions, once the works have been completed and the tenant has been able to move back home, perhaps the Minister can ask his staff to ensure that that is included in the schedule and in that way we actually have an audit trail of the date of decanting and when they [inaudible] get back. It is more of an admin matter that I would like his staff to take into account. With plenty of notice, I think that would not cause a major headache and I am sure the Minister will be able to oblige.

**Hon. P J Balban:** Mr Speaker, yes, I am happy to oblige with that request.

580

**Residential homes  
Number allocated and assigned**

585 **Clerk:** Question 624, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing say how many residential homes have, since the answer to Written Question 96/2013 been (a) allocated and (b) assigned, showing the room composition of the respective homes?

590

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer to the Written Question 96/2013, 55 flats have been allocated and assigned as follows.

595

Allocated: 1RKB, 6 in number; 2RKB, 14; 3RKB 13; 4RKB, 7; 5RKB, 0; 6RKB, 0. That is a total of 40 flats allocated.

As to assigned, we have 1RKB, 0; 2RKB, 8; 3RKB 4; 4RKB, 2; 5RKB, 1; and 6RKB, 0. That provides us with a total of 15 assigned.

600

**Mr Speaker:** Next question.

**FINANCIAL SERVICES AND GAMING**

605

**Gibraltar as a pensions domicile  
Results yielded**

610

**Clerk:** Question 625, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Financial Services say whether, further to statements made by his colleague, the Hon. Gilbert Licudi, formerly Minister for Financial Services, during his Budget address in June this year, the 'increased interest' in Gibraltar as a pensions domicile has yielded results?

615

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

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the Gibraltar Income Tax Office has to date approved a total of 201 member QROPS in Gibraltar. We have strong indications that this number is set to multiply in the very near future.

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I can report that HMRC publishes a list of QROPS schemes on a monthly basis. This is a list of pension schemes that have notified HMRC that they meet the conditions to be a Qualified Recognised Overseas Pension Scheme (QROPS) and asked to be publicly listed.

625

At the beginning of September 2012, there were 10 such Gibraltar schemes publicly listed, whilst the current list has 23 Gibraltar schemes. Therefore the number of publicly listed schemes has more than doubled in the last 12 months as a result of increased QROPS activity and ahead of a further expected increase in Gibraltar QROPS business.

I would therefore like to take this opportunity, Mr Speaker to congratulate my predecessor the Hon. Mr Gilbert Licudi on his work whilst Minister for Financial Services in carving out (**A Member:** Hear, hear.) (*Banging on desks*) a new and increasingly interesting area of our sector.

630

**New marketing management system  
Further details**

635

**Clerk:** Question 626, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Hon. the Minister for Financial Services provide this House with further details of the 'new marketing management system being introduced to manage more efficiently, the wealth of contacts that have been established over time and ensure that this area delivers effective

640

results', and supports the Government's 'drive to increase direct marketing activity', as referred to in the Budget address on Financial Services in June this year?

645 **Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the Finance Centre Department has been piloting its direct electronic marketing via a system called 'Mail Chimp'. Mail Chimp is an e-mail marketing service provider and is used globally. Mail Chimp presently holds one of the Finance Centre Department's databases made up entirely of e-mail addresses that are segmented geographically and by industry segment.

650  
655 The system has enjoyed a reasonable rate of success and is used in parallel to hard copy marketing Facebook and Twitter. The initiative has been managed by Paul Astengo in conjunction with the other members of the Finance Centre team and has been welcomed by the industry.

**Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for the answer.

660 One question that comes to mind as a result of the answer is whether there are any data protection issues that arise from the use of a service like Mail Chimp. I do not know where the service is located. I do recognise the name and the service, but I wonder whether there are any issues that arise from the use of that system or whether the Minister is satisfied that all the relevant controls and certification are in place from that provider, to his satisfaction?

665 **Hon. A J Isola:** Mr Speaker, my understanding is that there is not an issue. An awful lot of the information there has been put on by the Finance Centre Team themselves in terms of expanding their own database. A push is on at this moment in time to further that by contacting people around the world who are linked to Gibraltar in Financial Services who wish to receive information and are consequently put on the database and receive the information that is regularly passed through on developments in Gibraltar in relation to Financial Services.

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#### **Experienced Investor Fund Regulations Results yielded from recent changes; establishment or re-domiciliation of funds**

675 **Clerk:** Question 627, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Financial Services say whether recent changes to the Experienced Investor Fund Regulations have yielded results for the local funds industry in the context of the establishment or re-domiciliation of funds to Gibraltar, contracting or retaining the use of 'reputable and substantial administrators based in jurisdictions of equivalent standing to Gibraltar'?

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

685 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, there have been no EIFs registered with an external fund administrator during the period since the implementation of the EIF Regulations on 12th April 2012.

690 According to the FSC website, three External Fund Administrators have been approved – which are: Credit Suisse Fund Services (Luxembourg) SA; Société Générale Securities Services; SGSS (Ireland) Limited; and Swiss Financial Services (Ireland) Limited – since the new regulations were introduced in April of last year.

A further two applications for approval from a fund administrator outside of Gibraltar are currently pending consideration.

The sector believes that the new approved administrations will unquestionably lead to further activity for our local funds industry.

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**Hon. S M Figueras:** Mr Speaker, the regulations came in some time ago and whilst certainly, in certain respects in this industry some things do not move as quickly as we might otherwise hope. Is the Minister able to say or provide us with his insight as to why perhaps, if there are any specific explanations, this might not have yielded results yet in that respect?

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**Hon. A J Isola:** Mr Speaker, for an external fund administrator to come to Gibraltar, requires a certain degree of planning before that decision is taken. That decision will only be taken when they

believe there to be sufficient interest in that business for them to locate to Gibraltar by being licensed here.

705 Subsequent to that, an application requires to be made to the Financial Services Commission, there is a process there. So I do not believe the five and possibly six companies that are registering in Gibraltar external fund administrators are doing so for the fun of it. There is a time element, there is a cost element and I therefore believe that what the current ones that have registered are preparing for is to begin to use Gibraltar as a funds jurisdiction which I believe is what we and the entire industry wishes to happen, and I believe it will.

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**Gibraltar as a Trusts jurisdiction  
Proposals for legislation**

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**Clerk:** Question 628, the Hon. S M Figueras.

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**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Financial Services say when proposals for legislation introducing anti-forced heirship rules, changes to the perpetuity period, private trust companies, purpose trusts and foundations can be expected to be brought before this House as part of the on-going process of making Gibraltar a more competitive and attractive Trusts jurisdiction?

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

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**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, we are progressing the various pieces of legislation and each is at a different stage of the required process. It is expected, subject to any unforeseen issues arising, that all the named legislation will be in force at different stages but not later than the end of the first quarter of 2014.

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For the avoidance of doubt, all this type of legislation will be OECD compliant from a transparency and availability of information point of view.

I would therefore expect these pieces of legislation to be brought before this House over the next few months.

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**Hon. S M Figueras:** In terms of consultation, Mr Speaker, can the Minister say which entities bodies have been involved in that process with the Government, if any at all, and I am certainly aware that there are a couple at least?

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**Hon. A J Isola:** As I am sure my hon. learned Friend will know, these pieces of legislation, the specific ones that he has referred to, were proposed by STEP and we have obviously been working very closely with STEP in respect of this legislation. I have met with them myself as well as, of course, has my predecessor met with them in the intervening period.

750

These proposals were made in May 2010 when the first request was made for this legislation to be passed through and although STEP is the principal mover of this legislation, in terms of making the suggestions and proposals to Government, we have also discussed this with the Finance Centre Council who represents, in effect, all the players in the Financial Services Sector, combined in that one unit. This was discussed as recently as last week, when I updated them on the progress that we have.

**EDUCATION, TELECOMMUNICATIONS AND JUSTICE**

**Gibraltar Court Service  
Vacant posts; steps to fill these**

755

**Clerk:** Question 629, the Hon. S M Figueras.

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**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Justice confirm the number of vacant posts at the Gibraltar Court Service and the steps if any, being taken to fill these?

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



765 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the number of vacant posts at the Gibraltar Court Service are as follows: three Executive Officers; one Administrative Officer; and one Bailiff.

770 A notice inviting applications for the posts of Executive Officers was issued on 5th October 2013. The closing date for applications is 21st October 2013. The post of Bailiff was advertised internally but there were no suitable candidates from within the service. The vacancy was further advertised on 8th October to Government owned companies as well as to Government agencies and authorities. The closing date for applications was 15th October 2013. The recruitment process for Administrative Officers has not yet commenced.

775

**Gibraltar Court Service  
Replacement of CEO**

**Clerk:** Question 630, the Hon. S M Figueras.

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**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Justice say what if any plans the Government has for the replacement of the recently departed CEO of the Gibraltar Court Service?

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

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**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's current intention is to abolish the post of Chief Executive Officer of the Gibraltar Court Service. Pending final arrangements on the management structure at the Gibraltar Court Service, a senior Executive Officer is acting as CEO.

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**Hon. S M Figueras:** Mr Speaker, I am grateful to the Minister for the answer. Would it be possible for the Minister to provide us with some insight as to the Government's thinking in this respect and not replacing the CEO?

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**Hon. G H Licudi:** Yes, Mr Speaker. I do not want to delve into areas of speculation or hypothesis as to what may happen. That is why I say this is our *current* intention. The present Chief Executive Officer – because he is still in post in fact until the end of October, although he is on leave – Mr Davies who is incumbent, he is on leave as from 4th October – he is still holding the post until the end of October.

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He was brought in on a three-year contract to do a specific job by the former Minister for Justice, in particular, to do with the structural works that were involved as well as organisational issues. By and large the job that he was brought in to do has been completed. The works have been completed, part of the re-organisation has been done, there is still ongoing work on some internal issues, internet services and IT issues and some things still need to be done and clearly there is on-going work.

805

The Government felt that it was not necessary to continue with an externally appointed CEO on a contract basis. Therefore, the Government's position is that there should be a management structure which will still have a head in the form of probably a senior officer of the Government, so the numbers will not change. It is just that the CEO or the person heading or managing the Court Service ultimately will not be a contracted officer; it will be a permanently based officer at the Gibraltar Court Service.

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**Hon. D A Feetham:** Yes, before I ask my question, may I on behalf certainly of this side of the House thank Mr Davies for the work that he has done over the last three years. I personally was instrumental in bringing him over, I know the size of the task that he had when he took over. It was a very, very difficult job in terms of combining the structures of the Magistrates' Court and the Supreme Court, which were two separate entities both in terms of courts but also in terms of management and how they were run into an integrated Court Service.

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I believe that as a consequence of the job that he has done, together of course with the staff underneath him, the people that were there and have been there for many, many years that the service today is much better than the service that it was three years ago. I talk only for this side of the House, because of course I cannot presume to talk on behalf of the Government in relation to this.

820

But as I understand it, effectively what the Government is doing is just simply doing away with the post of CEO and replacing it with a senior officer, so that it becomes effectively just simply a Civil Service structure, because of course you can have a locally appointed CEO, for example, to head or you can have somebody from the Civil Service that is also appointed CEO. But as I understand it, really, other than the nomenclature of it, the structure is going to remain more or less the same. There is going to be a

825 head, presumably two SEOs underneath it, which is the position today. Can he just clarify that? That is my understanding of it.

**Hon. G H Licudi:** Yes, Mr Speaker, before I answer the question and dealing with the first part of what the hon. Member has said, the Government certainly acknowledges the work that Mr Davies has done over the last three years and I have in fact, written to him and thanked him for what he has done for the Gibraltar Court Service in the last three years.

830 But the hon. Member is exactly right: the structure will remain as it is. There may be a change in the role and the name, but it will not be a contracted officer. It will be more of a permanent structure, but the structure in terms of management will remain the same. We have not made those final arrangements yet and that is why I said the Government's *current* intention is to do that. But certainly, we will see no  
835 reduction in numbers and there will still be a head of the Gibraltar Court Service, managing and taking responsibility for the Court Service.

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**GCSE and post-GCSE education**  
**Student numbers, gender, educational establishments**

**Clerk:** Question 633, the Hon. E J Reyes.

845 **Hon. E J Reyes:** Can the Minister for Education provide details in respect of the number of students, broken down by gender, who are repeating subjects pertaining to GCSEs which they sat examinations for at the end of the academic year 2012-13, indicating at which educational establishment they are currently receiving revision tuition?

850 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 634/2013 and 635/2013.

855 **Clerk:** Question 634.

**Hon. E J Reyes:** Can the Minister for Education provide details in respect of the number of pupils who sat GCSE examinations, broken down by gender and educational establishment where they received full-time education at the end of the academic year 2012-13?

860 **Clerk:** Question 635.

**Hon. E J Reyes:** Can the Minister for Education provide details of how many students have enrolled for post-GCSE education in Year 12 or equivalent, for the academic year 2013-14, broken down by gender and educational establishment?

865 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the

870 information requested by the hon. Member is set out in the schedule which I now hand to him.

SCHEDULE TO QUESTION 635 of 2013

Answer to Q 633 of 2013

The details of the number of students, broken down by gender, who are repeating subjects pertaining to GCSEs at the end of the academic year 2012/2013 are as follows:

Bayside School		Westside School		Gibraltar College	
Boys	Girls	Boys	Girls	Boys	Girls
18	0	0	14	10	10

Answer to Q 634 of 2013

The number of students who sat GCSEs at the end of the academic year 2012/2013 are as follows:

Bayside School		Westside School		Gibraltar College	
Boys	Girls	Boys	Girls	Boys	Girls
192	0	0	240	75	56

Answer to Q 635 of 2013

The details of how many students have enrolled for post GCSE education in Year 12 (or equivalent) for the academic year 2013/2014 is listed below:

Bayside School		Westside School		Gibraltar College	
Boys	Girls	Boys	Girls	Boys	Girls
119	4	0	136	62	36

**Mr Speaker:** On conclusion of the supplementaries to these questions, we are going to have a short recess of about 10 minutes while some paperwork is being done in connection with the motions which the Chief Minister proposes to introduce regarding appointing the Select Committee.

875 **Hon. E J Reyes:** Can I ask the Minister, it could be a little bit of just a typographical error, but in the schedule to reply, in his answer to Question 633, it says:

‘the details of the number of students, broken down by gender’

880 – which is what I requested –

‘who are repeating subjects pertaining to GCSEs at the end of the academic year 2012-13...’

885 Can I just clarify that is those who did the GCSEs in academic year 2012-13 and are taking it under the academic year 2013-14. Is that correct? I am being pedantic in nomenclature, but I want to get it right.

**Hon. G H Licudi:** Yes, Mr Speaker, the hon. Member is entirely right. These are GCSEs which were taken at the end of last year and are now being repeated.

890 I should say that these boys and girls are not just repeating the ones that they have chosen to repeat which they did at the end of the academic year 2012-13. The repeat programme in each school involves a package which involves some of the subjects they did and sometimes involves one or two extra subjects.

895 With regard to the figures, the most important innovation in terms of previous years in those figures is of course Bayside School, where previous years the answer would have been zero boys and zero girls and we have introduced, as the hon. Member knows, the possibility of making sure that boys and girls have the same opportunities, regardless of which school they go to. Therefore the repeat option is now available in Bayside School, when in previous years, the hon. Member knows it was not.

900 **Hon. E J Reyes:** Yes, Mr Speaker, I am very grateful for that and I just want to inform the Minister that I concur wholeheartedly with what he said. It is a very welcome innovation. Obviously that figure of 18 boys under Bayside would probably have been slightly lower and would have appeared under the column of the Gibraltar College for Boys there, so it is progress and therefore for the benefit of our students. I thank him wholeheartedly on behalf this side of the House for having implemented something that we were also very strongly committed to doing.

905 Thank you, Mr Speaker.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may now move the recess for 10 minutes.

**Mr Speaker:** The House will now recess for about 10 minutes.

910 *The House recessed at 10.25 a.m. and resumed its sitting at 10.42 a.m.*

### SUSPENSION OF STANDING ORDERS

915

#### **Standing Order 7(1) suspended to proceed with a Government motion**

920 **Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government motion.

925 **Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

### GOVERNMENT MOTIONS

930

#### **Standing Order 7(1) suspended to proceed with a Government motion**

**Clerk:** Government Motions. The Hon. the Chief Minister.

935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows and which has been circulated to hon. Members a moment ago:

940 *'That this House approve, pursuant of Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion which has been notified by the Hon. Chief Minister on 16th October 2013 and circulated by the Clerk on 16th October 2013.'*

945 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

### **Select Committee on Parliamentary Reform Five Members appointed**

950

**Clerk:** The Hon. the Chief Minister.

955 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

*'This House, acting in accordance with the motion dated 4th June 2013, hereby:*

*RECALLS that a Select Committee on Parliamentary Reform was established on that date;*

960 *RECALLS that the purpose of the Committee was to consider the implementation of appropriate recommendations of the Report produced by the Independent Commission on Democratic and Parliamentary Reform; and*

965 *HEREBY approves the appointment of the Hon. Fabian Picardo MP (Chairman), the Hon. Dr Joseph Garcia MP, the Hon. Neil Costa MP, the Hon. Daniel Feetham MP and the Hon. Damon Bossino MP to the said Select Committee.'*

970 Mr Speaker, the purpose of this motion is to start the process of the Select Committee's work. The work that will be done by the Select Committee was the subject of the discussion that the House enjoyed back in June. This is really just enabling us to start that work, to have the Committee appointed which is something that has to be done by motion under the Rules. You kindly pointed out to me that the Committee will also need a Secretary, of course, but that Secretary does not have to be appointed by a motion in this House and the Committee itself can invite somebody to become its Secretary.

975 So, Mr Speaker, for all the reasons that we debated last time that this issue was on the floor of the House and for all the reasons I have indicated now, I commend the motion to the House and may I just thank the Clerk for having quickly come up with the formula of words that one has to use to negotiate the maze that is parliamentary procedure at the moment, and enable us to take this motion now. You never know, the Select Committee might make all of these things easier.

980 **Mr Speaker:** I now propose a question in the terms of the motion moved by the Hon. the Chief Minister.

If no hon. Member wishes to speak on the motion, I will put the question. I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

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#### ADJOURNMENT

990 **Chief Minister (Hon. F R Picardo):** I have the honour to move that the House do now adjourn until Tuesday 29th October at 9.15 in the morning.

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to Tuesday 29th October at 9.15 in the morning.

995 I now put the question, which is that this House do now adjourn to Tuesday 29th October at 9.15 in the morning. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Tuesday 29th October at 9.15 in the morning.

*The House adjourned at 10.45 a.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 1.15 p.m.

Gibraltar, Tuesday, 29th October 2013

## The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

## Questions for Oral Answer

### ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

#### Construction industry Maximising business opportunities

**Clerk:** Sitting of Parliament, Tuesday, 29th October 2013. Answers to Oral Questions continue.  
Question 636/2013, the Hon. D J Bossino.

5 **Hon. D J Bossino:** Is the Government in a position to state which measures, if any, it intends to take to maximise the opportunities for business for local construction and general building suppliers?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

10 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there has been a substantial increase in the number of local construction companies undertaking Government contracts, who in turn, make much greater use of local building supplies in sourcing their needs, as compared to cross-border companies.

15 This has been achieved by applying more diligently, the policy introduced by the previous administration in the allocation of works to approved contractors. The situation is regularly monitored, and any further measures that may be required will be introduced.

**Hon. D J Bossino:** Mr Speaker, if I may, the hon. Gentleman has referred to a more diligent application of what was our policy. Can I ask him how he has been more diligent?

20 **Hon. J J Bossano:** Well for a start, in terms of the numbers. I can tell the hon. Member that although we have changed nothing in what was introduced, which effectively required a cascading effect all the way down the line... So not only does the person that gets the contract have to be an approved contractor, but the person that supplies sub-contract work to the main contractor has to be an approved contractor. I do not think that it was being monitored in terms of the lower levels of the supply lines, and we are now doing that.

25 So effectively, the approved contractor list means that when somebody gets a contract on a Government job, we then monitor that the supply lines are from the people that are here as approved contractors, and if they are not, for example, they need to give an explanation. In some cases somebody comes in with detached workers to do a specialist job for three or four weeks, and therefore we monitor that that is happening because there is nobody available, or if there is somebody available, there is a big difference in price.

30 Clearly, I have a got a particular example in mind, where the only reason why we allowed somebody to come in with detached workers to do a job recently, was because the gap between the price quoted to the main contractor by this particular entity was about half of what the local entity was. But as long as a price is close, I think that degree of monitoring was not being done.

35 **Hon. D J Bossino:** I am grateful. Mr Speaker, the hon. Gentleman refers to 'we'. Of course that could apply to the Government in general, but I would just like to focus and home in exactly who is actually controlling this? I understand that under the previous administration, much of that exercise was carried out from a Department, out with his Department now which is the Department of Employment. Is it the Department of Employment which is running the show so to speak, as far as the more diligent application of this policy is concerned?

40 **Hon. J J Bossano:** Yes, because the Department of Employment is in a position to do it better than anybody else, because of course if it is a question of work, then if they are bringing in for example detached workers, that the approval of the detached workers is done by the Employment Service. So the contractor that gets the job has to notify us who is being used, and where there is for example – as I have said in this particular recent incident – a contractor from outside and a contractor from here, they have to justify why they want to give the contract, and in this case, the justification was a very large difference in price, and we monitor that they come in and that they come in exclusively to work on that particular site, that they work for the number of weeks they say they need to work, and that when the contract is finished the workers go.

45 We also monitor that the workers bring the proper identification that they are paying social insurance in the country of origin, and the main contractor has to deduct PAYE from the sub-contractor payment, to make sure that when the entity that has come in disappears, we do not lose out on the PAYE. So there is quite a heavy hand on this.

50 **Hon. D A Feetham:** Yes, Mr Speaker, as I understand it, there are two aspects to the policy. One is ensuring that effectively Gibraltarians get employed by those contractors on the approved list, that get Government contracts, and the second, as the hon. Gentleman has just outlined, is that suppliers for those contracts are local suppliers.

55 Now, can I just explore with the hon. Gentleman the amount of detail that his Department gets involved in when considering the allocation of contracts? How do you control this? I can understand, for example, that when a contract is allocated, you may set a condition that the particular contractor takes on board five Future Job Strategy trainees, depending on the size of the job. But how does one impose the obligation that then there is a cascade down the chain, in terms of the suppliers, and the contractors purchase from local suppliers?

60 **Hon. J J Bossano:** Well in fact, the system that we are applying is, as I have said, not something that will change. It is actually as detailed as that in the system that was introduced, I think it was in 2010, which requires that the use of a sub-contractor should also be from the approved contractor list. Therefore, if it is not somebody from the approved contractor list, we can stop the sub-contractor, purely on the basis that it is in breach of the original terms of the allocation of the work.

75 When they come in to join the approved contractor list, they are told that one of the conditions of being on the approved contractor list is not to take in trainees, but in fact to take people who are unemployed. The trainees are only provided in areas where we do not have the skills they need, and we try to persuade them, but in many cases, this is not possible because of the length of the contract. People tend to take them on if they have got a contract that runs for months, but if they have got a contract for four weeks, you can hardly say to them you have got to take a trainee for four weeks.

80 But effectively, we are able to do it because all those conditions are there, and we are on top of it now. Therefore, whenever a request for employment comes in, or a request for detached workers comes in, before we reply, we check where the work is being done, we check the workforce of that particular entity, we check the proportion of local labour that they have, not necessarily Gibraltarians but residents as compared to cross-border workers, and that is an ongoing exercise.

85 In effect, the industry is now used to that, so the monitoring that is taking place now, is that occasionally we catch somebody that is not meeting the conditions, but in most of the cases, they know what to expect and they do not try to get past it.

90 **Hon. D J Bossino:** Mr Speaker, I am grateful for the reply. The hon. Gentleman talks of checking what the proportion of the... I think he mentioned what the proportion of the local work force is in a particular company, and I think he mentioned conditions. But I suppose two questions, Mr Speaker: what are the criteria which are applied, is there a set of criteria which will assist in determining whether the supplier or the sub-contractor gets the contract, and who determines it? Is there a board, is it the Hon. Minister himself personally who looks through this, is there somebody else within his Department? Can he answer those points?

100 **Hon. J J Bossano:** Well obviously I do not have the time. If I had to look at every contract myself and do it myself, the 12 hours that I do would not be enough, I would need 24! But the answer is that the monitoring is done because there is an automatic system in place, in that everybody that wants to employ somebody is required by law to open a vacancy before the contract is approved.

105 When that vacancy comes in, before the person is permitted to employ somebody who has not been provided by the Department, from the unemployment list, we check where the person is going to work, we check whether he is working on a Government contract, we look at the profile of that company, and the share of local workers that they have got, and because this has been happening now for a long time, basically there is a repeat exercise.

110 It is not as if there were an ever expanding construction sector. There may be something like 50 more small construction companies now than there were a year ago, but there are no big companies. The big companies know what is going to happen if they try to get past the system, because they will be caught, so they do not even try it.

Occasionally as I have said, we get some people that may be new to working, and therefore think that they can get away with not complying with the rules of the tender. It happens in both those things that are given out, like big contracts that are given out by the Procurement Section, which are the contracts that have to go out because of the EU, and it happens in the bulk of the contracts which are all small contracts that are given out, where the policy is that there are something like 15 local companies that are doing most of the routine work for the Government, and the Department gets three quotes.

115 Of the three quotes, if the three are very close, the work is given to the one that is least loaded and if there is a big difference, then clearly it goes to the lowest quote. In that context, they then monitor the requirements for labour. All those sub-contractors and all those small contractors know, that they have to give preference to the people that are provided by the Employment Service, which is what the system introduced in 2010, which was announced in Parliament, requires.

120 **Hon. D A Feetham:** Mr Speaker, yes. But the system in 2010, there was a difference to this system and he has said that, I do not think that he has used the word 'refined', but certainly he has intimated that they have attempted to improve upon – (**Hon. J J Bossano:** More diligent.) more diligent yes.

125 Now in 2010, the system in place at the time was, that there was a list of approved contractors, mainly medium to large size companies who, if they wanted to be awarded a Government contract, and the criteria, the actual guidelines was divided into size of contract, the very large contracts, there were four or five of the largest companies deemed to have the expertise to deal with those contracts, and then there were smaller contracts.

130 But am I right that there has been a departure from that in his administration, in the sense that we have seen, over the last couple of years, a huge increase in the number of construction companies that have been incorporated as new companies, as start-up companies, and that what his administration is doing is encouraging the incorporation of these construction companies and that these smaller companies, start-ups, have then been added on to the Government list of approved contractors and are being awarded smaller contracts? Indeed, I ask because of course we know, that there have been companies that have



been incorporated with addresses of No. 6 Convent Place, and that his Ministry, with his office providing shareholders, and his office providing also directors and directorship service, in order – according to him – to help these companies. Is there a departure from the previous practice in that sense that I have just outlined?

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**Hon. J J Bossano:** Well, no. There has not been a departure, because what he has described is not what was there that was put in 2010. He is describing what existed prior to 2010, and prior to 2010 there was a list of approved contractors, which was effectively kept by Technical Services which was divided by size and by expertise in terms of what they were able to do. That was replaced in 2010 by the system that is in existence now, which is that there was one that was really monitored by the Employment Service, because in the original one, there was no link to having to take workers that were unemployed. In the one that was introduced, there was a link, which said one of the clauses was that the people that were provided by the Employment Service had to be taken on if they were suitable.

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One of the things is that, in fact, there were contracts maybe of £1 million given from my knowledge of what was there when we came in, and maybe they took on one or two workers. So in effect, what I am saying is that they were paying lip service to having to take one or two token guys from the unemployment list, in order to be fulfilling the contract as whereas now, they really have to make a very strong case, to get away with not taking the people that we send that are available.

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For example, at the moment there is something like 23 vacancies for the construction industry open, and they are open because the skills that are required are not available amongst the people that we have got out of work. So it is true of course, that there are now more companies because one of the things in the new start-ups is that – as I have explained before, Mr Speaker – some of the older unemployed construction workers, people in their 40s and 50s, are the ones that were encouraged because they were the ones more difficult to place with other companies. They were encouraged to start their own small company, to which work is then sub-contracted. So most of these are doing either small maintenance jobs for the Government directly, or sub-contracting to bigger entities, because they are on the approved contractor list and they are eligible to receive sub-contract work.

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**Hon. D A Feetham:** Yes, but what I am trying to explore –

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**Mr Speaker:** I think we are in danger of debating. May I ask the Leader of the Opposition, if he is going to ask more supplementaries, to make sure that they are much shorter than his previous one.

**Hon. D A Feetham:** Yes, what I am trying to explore – of course, Mr Speaker – what I am trying to explore with the hon. Gentleman is the artificiality or otherwise of the situation. If you have, and I think it was about 800 new construction companies that have been incorporated – the figure escapes me but we debated it in the past, we asked questions in the past about this and I mean, effectively, what the Government is doing is handing them Government contracts in order for them to employ people off the unemployment list.

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There may be merit in relation to that, but it creates a certain artificiality in the economic activity that the Government is creating. I just wanted to ask the hon. Gentleman, is that the intention, it is the encouragement of incorporation of small companies, upon the promise of Government contract, be it by a sub-contract or otherwise, on condition that they then employ people from the unemployment list?

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**Hon. J J Bossano:** I do not see why us implementing the policy they introduced makes it artificial, and when they were doing it, it was not, Mr Speaker.

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But in any event, I know the hon. Member has talked about 800 construction companies before, and if he recalls, what I told him was that I did not know where he got that figure from, because I was not aware of 800 construction companies being formed.

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It may well be that he does not realise that self-employed construction workers can be registered and they appear as an entity, but it is not a company employing anybody. But there is certainly not 800 construction companies in Gibraltar, of that I can assure him, and there are certainly not 800 on the approved contractor list.

The small construction companies that are being able to sub-contract now, and employ maybe a dozen people, of whom one or two may be a trainee, are no more than 15 or 16. So, the figures are not that the entire economy is depending on these 15 guys now driving the 10% growth, if that is what he thinks. So the answer is no. There is no artificiality about it; it is work that needs to be done, except that now more of the work is being done by resident workers than was the case before. More of the work was previously being done by Frontier Workers, so the number of construction workers went down last year by 1,000. In last year's employment survey, there were 1,000 less cross-border construction workers and there were more Gibraltarian construction workers, and that is the purpose of the exercise, which I am sure they support, because they introduced the idea.

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**Hon. D A Feetham:** Mr Speaker –

200 **Mr Speaker:** One last supplementary.

**Hon. D A Feetham:** Mr Speaker, with respect to the hon. Gentleman, he has not answered my question. Is it Government policy to encourage the incorporation of small companies, which will then effectively be given Government contracts, on condition that they employ people from the unemployment list? Is it Government policy?

205 **Hon. J J Bossano:** Mr Speaker, that question was originally prefaced by the fact that there were 800 such companies. First, there are not 800 such companies, there are 15 companies. The 15 companies are free to compete for work anywhere in Gibraltar including the Government. The condition attached to them is not that in order to get Government contracts they have to be employing people from the service that is the condition attached in the policy introduced in 2010 in order to be on the approved contractor list.

210 This 15 are on the approved contractor list for as long as they take on Government workers and they can bid for Government work. Therefore, there are now 15 people in employment, and employing other people that previously were unemployed. It is the Government policy to get as many Gibraltarians into jobs as possible, and it is Government policy to give priority to locals to do Government work.

215 **Mr Speaker:** Next question.

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#### **Apprenticeships and Future Job Strategy Update on arrangements**

225 **Clerk:** Question 637, the Hon. D J Bossino.

**Hon. D J Bossino:** Further to Question 482/2013, can the Minister for Employment advise what stage the new arrangements for apprenticeship schemes have reached?

230 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with Question 638 and 640.

235 **Clerk:** Question 638.

**Hon. D J Bossino:** Mr Speaker, the hon. Member is being kind to me today, he has not bunched up four or five questions, so we are making some progress, it is three.

240 Question 638, can the Minister for Employment provide current details of how many individuals are participating in the Future Job Strategy, with details of where they are carrying out their placement/training, to include private entities or individuals – such as private companies or partnerships – and in each case, the names of such entities and the names of the Government Departments, Companies Agencies and Authorities; the nature of the training they are each receiving; which Future Job Strategy company they are employed by; what the duration of the contracts are; and how many of these trainees have guaranteed jobs following conclusion of their Future Job Strategy contracts?

245 **Clerk:** Question 640.

250 **Hon. D J Bossino:** Can the Minister for Employment state how many individuals have participated in the Future Job Strategy Scheme since it commenced, to include details of their ages and how many have secured employment in the private sector or public sector?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

255 **Hon. J J Bossano:** Mr Speaker, I apologise to the hon. Member for only answering three questions together, I will try and do better at the next meeting.

Mr Speaker, 24 persons are on the Level 1 City and Guilds training course for the wet trades. As at the end of September, there were 109 trainees in the Public Service and 83 in the private sector in the

260 Employment Training Company and 64 in the Public Service and 76 in the private sector in the Construction Training Company.

Construction training is provided to those in the Construction Training Company with 39 private sector placements and the Construction Training Centre. All construction trainees are guaranteed employment in the private sector. Other private sector areas with placement providers are in security, cleaning, maintenance, hairdressing, carers, receptionists, gardeners, sales, customer service and seamen. All of whom are covered by business partnership agreements on completion of their training.

265 In the case of the Public Service placements, this spread over the following areas: Care and Social Services, Education, Health, Construction Training Centre, Gibdock, Treasury, Tax, Postal Services, Human Resources, Employment, Tourism, Transport, Sports, Culture, Electricity, Consumer Affairs, Maritime and the Royal Gibraltar Police.

270 The nature of the training is social and healthcare, administration and office skills, policing and construction and mechanical skills.

The contracts duration are as follows: terminating this month, 45; next month, 40; December, 138; January 2014, 19; February, 19; March, 26; April, 16; May, 7; June, 7; July, 11; August, 1; September, 3.

275 Nine hundred and ninety-nine individuals have participated in the Employment Training Schemes since they commenced on 1st February 2012. Of these, 564 have secured employment following completion of their training. The age structure of the trainees has been as follows:

Age	Number
15	10
16	23
17	57
18	86
19	134
20	114
21	93
22	71
23	62
24	32
25	17
26	20
27	17
28	15
29	10
30	11
31	13
32	12
33	11
34	14
35	16
36	18
37	9
38	7
39	5
40	12
41	10
42	4
43	8
44	7
45	7
46	9
47	8
48	9
49	1
50	1
51	6
52	7
53	3
54	9
55	6

56	2
57	1
58	4
59	4
60	3
64	1

280 These ages are at the start of the training.

**Mr Speaker:** May I say that Question 638 was really on border-line, as to whether it was of excessive length and detail. The statistics that are being asked for would much more appropriately have been the subject of a question requiring a written answer. I do not think we can have this kind of statistical information taking up so much time of the business of the House.  
285 Any supplementaries?

**Hon. D J Bossino:** Mr Speaker, in answer to your point if I may, this is in fact the third time I have asked exactly the same question in exactly the same terms, and I must say that the hon. Gentleman is making progress because he seems to be answering the question with a bit more detail as time progresses, so I do congratulate him for that.  
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But I have never received criticism, indeed when I have filed the question, or indeed across the floor of the House from the Speaker, or the Speaker's staff, as to the excessive length of the question. I am very conscious of keeping to the rules, but I must insist, Mr Speaker, this is information which I have posed in *exactly* the same terms as the hon. Gentleman well knows, on two occasions in the past. I think this is the third, perhaps even the fourth occasion, Mr Speaker.  
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In fact, I have tried to persuade the hon. Gentleman to come round to my way of thinking. Given that he is a details man and indeed, I consider myself a details man, this is in fact a very composite question which if answered fully, and if I may say so and encourage him to do so perhaps next time, I know he has been encouraged by my hon. Friend, the Leader of the Opposition when he had my Shadow Portfolio in the past, to present this information in a schedule, as indeed other of his colleagues provide information in that format, because then, what one would have, when answering the question, is a full snapshot of where the Future Job Strategy Scheme is. And therefore, one would be able to examine whether the promises and guarantees which the hon. Gentleman and his Party made at the time of the General Election, and at the beginning of this Parliament, in relation to the success or otherwise of the Scheme, would be able to be put truly to the test. Mr Speaker, that is in answer to the point the Speaker has made.  
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Mr Speaker, I am not sure, whether in answer to the first question which I posed, which is 637, relating to what stage the new arrangements for the apprenticeship Schemes have reached, has in fact been replied to. If it has, I have missed it and if the hon. Gentleman could oblige me, and answer that bit of that question again, because I do not think I have had a reply to that question. If he could assist?  
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**Hon. J J Bossano:** Can I just say, Mr Speaker, that in fact he has not put the same question before in terms of the age. That is, he has never asked for the age of each individual of the 999 and I have given him the age profile of the 999, so that is the new bit. The rest, I accept, are a repetition of what has been asked in the past.  
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**Mr Speaker:** May I say that it is just as well, that pensionable age is 65 and not 80 or 90, otherwise we would have been here until tomorrow. *(Laughter)*

**Hon. D J Bossino:** So, Mr Speaker, if the hon. Gentleman allows me, if I may just in relation to the point he has just made, he alights on not the correct question, the question which he is referring to in relation to ages, is in fact 640. The question which I posed on two occasions – this being the third occasion – in the past, and again today, is 638 in exactly the same terms, other than perhaps a change in the preamble when I say, further to question so and so.  
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**Hon. J J Bossano:** That is exactly what I have just said, that the new bit is the one of the ages. As regards the first part, Mr Speaker, the original answer, and the one I am repeating now, is that there are now 24 young persons doing the Level 1 City and Guilds training course for the wet trades.  
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**Hon. D J Bossino:** Mr Speaker, with respect, I do not think that is an answer to the question I have posed. He has said in the past, in this House, that by September we would have had the new training scheme in place, in relation to apprenticeships. I can show him where he has said so in *Hansard*, and that is really what I wanted to know, whether the new system had been, he gave me an indication at the last sitting of the House, because I asked him what the new system would be, but has the new system been  
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335 introduced, because he has just given me a figure of how many people are doing what. He has not confirmed to me, whether the new system has been introduced, unless I have misunderstood his answer.

**Hon. J J Bossano:** Yes, that is what I am telling him, Mr Speaker, the new system was introduced and there are now 24 people in the new system doing City and Guilds Level 1. That is what I have just told him.  
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**Hon. E J Reyes:** Yes, Mr Speaker, if I may, because I have in the past also questioned the Minister for Employment on this one. Can the Minister enlighten us, given that there are now 24 trainees all working towards Level 1, can he confirm two things, Mr Speaker? One is that there are none currently having achieved Level 1 and working towards Level 2, which is what provides the qualified craftsman status, and of that 24, are those trainees who were there prior to December 2011, or have they been taken on, or is it a combination of both? Perhaps the Minister has details.  
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Because like my hon. colleague will say, we had been told that the new system was coming in, and the Minister is now confirming yes, we have a new system, but we do not know how many are carried over from a previous intake, or how many have come in in September's intake which was what we were always led to believe, that a new type of intake and so on would be occurring as of a couple of months ago?  
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**Hon. J J Bossano:** These 24 are 24 new additional trainees who were not there before September. In September, there were 64 between Gibdock and the Construction Training Centre. I think there were about 40 in the Construction Training Centre and 24 in Gibdock, and they are all in the Construction Training Centre. There may be one or two still doing Level 1, most of them are on Level 2 and I think in Gibdock they are on Level 3. Those who have started now, they are at the beginning of Level 1, the new 24.  
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**Hon. E J Reyes:** Thank you, Mr Speaker.  
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And the Minister before mentioned, he said that they were working towards City and Guilds. We have had this exchange before, whereas my understanding always was that those in the Construction Training Centre, carrying out NVQ's the awarding body was City and Guilds, whereas those who were at Gibdock, it was another awarding body, I think it was EMTA or something like that.  
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Given that he has now mentioned City and Guilds, does that mean that there has been a change of the, what's the correct word for it, of the awarding body, they are all working towards NVQ but is City and Guilds now the awarding body for the engineering trades, or does it remain the same awarding body that we had before, which I believe was EMTA.  
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**Hon. J J Bossano:** No, the City and Guilds has only been introduced for the wet trades for the new 24. The others are continuing with what they are doing already, because clearly we would not be changing the awarding bodies in the middle of their training. They are half way through so they are completing, but all the new ones that come in, will be put on the City and Guilds examining body.  
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**Hon. E J Reyes:** And just to clarify, so that I am not in doubt later on, Mr Speaker, I am grateful I have been told that the new intake consisted of 24 trainees working towards Level 1. Can the Minister confirm to me that those 24 are all within the construction trades and that there are no new entries at Level 1 on the engineering trades, or are there some intakes towards the engineering trades?  
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**Hon. J J Bossano:** No, at this stage they are all in the construction trade, because we are concentrating in the area where we know there is the greatest demand, but it is intended to do it in other areas next year. But at the moment, all 24 are in the construction industry.  
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**Hon. E J Reyes:** I do run the risk, Mr Speaker, of being a bit pedantic. But, the Minister has said he hopes to have an intake on the engineering trades next year. Can I interpret next year to be January, or are we talking of what we traditionally call an academic year, which is next September, hence still 10 months away?  
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**Hon. J J Bossano:** It is likely to be after Easter. That is the target. So it will not be in January, but I am hoping to have it in place by April. I cannot guarantee that it will be, but that is the target.  
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**Hon. D J Bossino:** Mr Speaker, in the composite question which I asked, again I am not sure whether he has answered it, certainly the way I intended it to be answered, given the way I phrased the question, which is what the duration of the trainees' contracts are. I think what he has given me are the termination dates, what I would be interested in Mr Speaker, is whether they are on three-month placements, or six-

month placements or 11-month placements. I am sure he cannot answer the question now, but is it something he would reconsider when I pose the question again. I would emphasise that it is this bit of the composite question, which is what the duration of their contracts are?

400 **Hon. J J Bossano:** The hon. Member is right in saying that I cannot tell him when each one of the  
people that are finishing started, without going back and checking it, but he knows of course, that the  
policy is that the bulk of the contracts will be three months, because I have told him that before and that it  
is only where a case is made for special skills, that they are over the three months, although there will be  
405 people that have been longer than three months there, simply because they were there, as he knows we  
have still got people from the VTS that were... and there are people who have been around for six or  
seven years.

**Hon. D J Bossino:** But it is information which he can provide, just so that he understands what  
410 information I am seeking, Mr Speaker.

**Hon. J J Bossano:** Mr Speaker, I can provide because each person has got a contract of employment,  
so clearly there is a start and a finish date.

415 **Hon. D J Bossino:** Mr Speaker, again, homing in on the composite question, I also asked what the  
nature of the training they are each receiving is. He referred in his answer to Policing, can he expand on  
that, and is that the Cadet Scheme that the RGP are pursuing?

**Hon. J J Bossano:** Yes, there are six in the Police Cadet Scheme that were taken on last year, for two  
420 years, and there are six that are being recruited this year.

**Hon. D J Bossino:** Mr Speaker, obviously the question relates to the Future Job Strategy, so is he  
confirming to this House today, that the RGP Cadet Scheme forms part of the Future Job Strategy,  
because if it is, that is news to me, but can he confirm what the position is?

425 **Hon. J J Bossano:** Yes, they are paid a minimum wage and they have a Contract of Employment with  
the Employment Training Company. Of course clearly, if they are successful, they will be given an  
opportunity to join the Police Force at the end.

430 **Hon. D J Bossino:** Mr Speaker, can I also encourage him, lots of encouragement from my side today,  
Mr Speaker, that he provides me with the information that he started providing me with, which relates to  
the names of the Government Departments, Companies, Agencies and Authorities on a quarterly basis. I  
think the last information which he sent me was sent in April, which took us up to the first quarter of  
2013. I would be grateful if he could update me with that information and that is why I asked the  
435 question. I would not have asked it if he had given that to me by letter, which he has undertaken to do in  
the past.

**Hon. J J Bossano:** Mr Speaker, the hon. Member is perfectly right and I apologise for not having  
done it. The Department should have done it automatically and they did not do it. I only realised it when I  
440 got the question and I am sorry it has not happened.

**Hon. D J Bossino:** Mr Speaker, also the other information, which I know he has said in the past he  
will not be providing, but again I would try and persuade him to provide it – because this is information  
which I think we ought to have. Again, it goes back to the point I made earlier in response to the Speaker,  
445 which is that if we had this information, we would be able to properly take the Government to task as to  
whether this scheme has been successful or not. And that is, that he provides the details of those private  
entities and I widen the question as much as I possibly can, because then we will be able to establish –  
and I made that point during the course of my Budget speech, and that point has been made when the  
Hon. the Leader of the Opposition held my role in the past – whether this scheme is in fact working or  
not, and whether it is genuinely working or whether it is in fact an artificial scheme.

450 I think we need to know exactly, Mr Speaker, which private entities are participating in this scheme.

**Hon. J J Bossano:** Well he is not going to persuade me, and I do not accept that knowing the name of  
the employer makes it more or less artificial, and I would remind the hon. Member that the last time when  
455 in January I mentioned 101 had been employed, the Leader of the Opposition said to me would I admit  
that I was not being any more successful than Mr Montiel was because Mr Montiel had 101 people who  
were able to obtain employment, and I have just told him it is 546 and he is still trying to find fault with

it. I would have thought he would say that he is overjoyed that I have done five times as much as Mr Montiel did.

460 **Hon. D J Bossino:** But you see, Mr Speaker, that is precisely the point. What I think we would want to know, is whether these individuals, these 560-odd are employed and who they are employed by, then we will be able to know exactly what the position is.

At this stage, we are blind as to whether he is shoe-horning Future Job Strategy trainees in particular companies, who may be benefiting – the point was made by my learned hon. Friend in the past – from  
465 Government contracts. I think this is a serious point of openness and transparency.

I dare say, Mr Speaker, that there are other Members of his Government who would not have made an issue of this and would have provided this information without much ado. I would again, try and persuade him and encourage him, to see what point it is that we are making and to see the error of his ways, and provide us with information which I think, from the Opposition Benches, we are legitimately seeking.  
470

**Hon. J J Bossano:** Well Mr Speaker, if the error of my ways is that I do not agree with him, I think I want to stay in error for a very long time to come.

I have to tell him that I do not know who the 101 that they claim were employed are, or where they were, and I have found no evidence in the Department that they even exist, and I have not chosen to make  
475 an issue of that with the hon. Members opposite.

What I can tell him, is that the vast majority of the 546, are in companies that have nothing to do with the Government, that I can tell him, because we have not got enough work in the private sector to generate an income for 546 people to be employed. It is as simple as that, and if the hon. Member thinks of it, that would be – these people are not all in the construction industry. Let us start by analysing that, if  
480 they all were, that would be almost two thirds of the construction industry. If he knows anything about the statistics in the employment survey, he will know that his suspicions cannot be well founded, because statistically they are basically flawed.

The answer is, he has not persuaded me and I am not going to give him the names.

485 **Mr Speaker:** May I... It has been a complaint of Oppositions over the years, and of Governments indeed, that perhaps five working days, or even seven, may not be sufficient in order to obtain very detailed statistical information. In my view, to bring information to this House, about where 564 people are employed, is such a case. In fact, on this occasion, the Hon. the Minister has had more time, because the questions are being answered today and not at the earlier part of the meeting.

490 But had it been the earlier part of the meeting, then we are talking of five or six working days. That I do not think is a reasonable situation, I do not think Government Departments, or Ministers for that matter – and this is an age old thing, going back when I was a Member of the House – can be paralysed for five or six days in order to obtain such statistical information.

Nor do I consider that it is proper that such information, that Members should expect that to be given across the floor of the House. There are two other avenues that the Members of the Opposition have; they can write to the Minister, they can ask a Question for Written Answer. Then, if they are not satisfied, by all means, raise the matter here, but do not expect to get detailed information of that nature across the floor of the House, because it is very time consuming and I do not think that that is what the House is here for.  
495

500 That is by way of general guidance. *(Laughter)*

**Hon. D A Feetham:** Well, Mr Speaker, I rise as Leader of the Opposition. May I suggest to Mr Speaker, that perhaps next time round, he ought to – *(Interjection)* No, no, perhaps next time round, he ought to take care what questions he allows on the Order Paper because –  
505

**Mr Speaker:** But what does the Leader of the Opposition think that I do, when questions are tabled? That I do not take care? That we do not look at them?

510 **Hon. D A Feetham:** Can I, may I –

**Mr Speaker:** But as I said about one of the questions, it was border line. I gave the Hon. Mr Bossino the benefit of the doubt and allowed the question. It is not the first time – *(Interjection)* it is not the first time, I am sure that the Hon. Sir Peter Caruana will recollect, that on one occasion he had a very, very lengthy question, and I said, ‘Look, there is a very lengthy preamble, therefore there is no problem, but do not take that as being a precedent.’  
515

Now in my view, as I have given the hon. Member the benefit of the doubt, Question 638 was of excessive length, and there are rules about that. I have allowed it on this occasion, the Hon. the Leader of

the Opposition is now encouraging me to be perhaps more careful for the future, and I will do so if he so wishes.

520 May we carry on with the rest of the business please?

**Hon. D A Feetham:** Well, Mr Speaker –

525 **Mr Speaker:** May we now have Question 639. (*Interjections*)

**Clerk:** Question 639 –

530 **Hon. D J Bossino:** Mr Clerk, there were three questions which have been posed, and I have not finished my supplementaries in relation to all of them. I have a supplementary in relation to Question 640. Am I allowed to proceed?

**Mr Speaker:** Yes, alright. You wish to ask further supplementaries? (**Hon. D J Bossino:** Yes.) Right, I will allow you one or two then. Carry on. Yes.

535 **Hon. D J Bossino:** I am grateful, Mr Speaker.

Mr Speaker, Question 640, to remind the hon. Gentleman for his assistance, related to how many individuals have participated in this scheme since it commenced, to include details of their ages and he gave me a long litany of information which I have not been able to jot down, or indeed digest properly. I will do so with time, and now that *Hansard* is made available quickly, (*Interjection*) I will be able to do so before the next sitting, I hope.

540 Can he give me this information now across the floor of the House: is he able to tell me, how many school leavers from the 2012 and 2013 intake, have gone through the scheme? Because of course it will have been those two dates which would have been impacted. Those school leavers rather, which would have been impacted by the introduction of his policy, which was introduced in February, 2012. Is that information which he can provide to me this morning?

550 **Hon. J J Bossano:** I can tell him, Mr Speaker, that of the 999 in the list, 699 are under 25, so that shows that about two thirds are in the under 25 age group. He will see that in fact, 15 and 16-year-olds, there are only 33 out of the 999. So remember that the hon. Member has asked Mr Speaker for everybody that has been through the scheme since it started on 1st February, 2012. Therefore, we are talking about the people who have been through it for two years. We are doing an analysis now of where school leavers have finished, not just in the last 2 years, but in the years before that. When that is ready, I will give him any more information that is available.

555 **Hon. D J Bossino:** So that last point which he has mentioned, what does the analysis entail and will that information be published in a report? I did not quite catch the last bit which I received at my end as a bit of a mumble, is he able to expand on that?

560 **Hon. J J Bossano:** Well yes, the answer is that I am not able to give him an answer to the question that he asks related to school leavers, because that information does not exist. It requires us to obtain the list of school leavers from the Education Department and then to put a team of people, finding out where those school leavers are today, and we are doing such an exercise. That exercise is not going to be done in order to publish it or produce a report; it is going to be done for the purpose of manpower planning within the Employment Service. But when that exercise is ready, I will be able to provide the answer to the kind of questions that he has asked me as to where school leavers have finished up, but that is not information that is available today, but it is in the process of being done, that exercise.

570 **Hon. D J Bossino:** But is this information which you will be publishing once it is complete – because if it is not, then obviously I need to time the question accordingly – is he going to be advising me, Mr Speaker, as to when that exercise is going to be complete, because obviously then when it is complete, I will be able to ask him if he is going to provide it across the floor of the House, if it is not a report which he is going to be publishing unilaterally? Does he understand why I am asking the question?

575 **Hon. J J Bossano:** I am telling him that it will take several months to do and if he puts a question in several months' time, I should be able to give him an answer. We are at the beginning of that exercise, we have not yet actually engaged in it. We are at the stage of having compiled a list of school leavers, it is an exercise that has to be done one by one, and there is no other way of doing it. You have to effectively track down the employment history of each individual since they left school, in order to find out from the... you see, the fact that we have got a certain number of people registering as unemployed, does not



580 necessarily mean that that is the only number that is without work. This is something I had raised many times before, and urged the previous Government to do, but it was never done, because it is obvious that there is a gap between the numbers that enter and leave school, and the numbers that enter the labour market.

585 **Hon. D A Feetham:** Mr Speaker, just in relation to the 24 new trainees in the Construction Training Centre, how were those individuals recruited? Did his Department advertise and say, 'Look, we are now going to be offering these new Level 1 City and Guilds,' or was it done internally from within the unemployment list, or was it done internally from within the pool of Future Job Strategy trainees that he may already have placed within Government Departments?

590 **Hon. J J Bossano:** Every single unemployed person that had expressed an interest in working in the construction industry, and every single person in the Construction Training Company, was interviewed individually and offered the opportunity of taking on these courses. These are the 24, the first ones that were selected and there will be more next year.

595 **Hon. D A Feetham:** What about people outside the unemployment list? People that maybe school leavers that may be interested in doing Level 1 City and Guilds, this new effectively course the Government has set up. Was it open to them and if not, why not, and when is it going to be open to them?

600 **Hon. J J Bossano:** Well, Mr Speaker, every single person that has registered as looking for work, every single one not just school leavers, of any age, has been told about this opportunity, I do not know what more we can do. Presumably they do not come looking for work. I suppose when we get the list of all the school leavers, we can find out those who have not come looking for work and go knocking on their door to see if they want to work.

605 But at the moment, it is limited to those that have registered as wanting to look for work, and expressing an interest when they get interviewed. We now have one-to-one interviews that did not used to happen before. In those interviews, people are told of the opportunities that exist in the economy of Gibraltar, and the fact that the work available is in the private sector, which under the previous administration we had been told Gibraltarians never wanted to work in.

610 They are now working in the private sector, and they are being told they get trained in order to work in the private sector, and we have got people who are interested in doing it. As long as they are interested in doing it, the courses will be provided. There is no limit.

615 **Mr Speaker:** One final supplementary.

**Hon. D A Feetham:** Yes, but of course, Mr Speaker, you do not have to be on the unemployment list to be interested in this particular course. You may be someone who is already, for example, employed in the private sector but may wish to have a formal qualification in construction, who might find that this particular course is a worthy course to do, and may wish to do it. Is he really seriously suggesting that those people that want to improve their lives by getting better qualifications, simply because they have a job they are not going to be allowed on to the scheme, because the hon. Gentleman is just simply making it exclusive to those who are looking for a job?

625 **Hon. J J Bossano:** No, Mr Speaker, what I am saying to the hon. Member is that there will be many more people going through the scheme than there were before, and that as far as I am concerned, it is right to give priority to those who have got no work at all, who are in greater need of a job, than those that have already got a job.

630 When we exhaust that, then we will see if there are people who are already working who want to give up their job, work for the minimum wage, and do a training course. I doubt very much whether there are any (*Laughter*) but we will explore that possibility when we have exhausted the supply that we have got at the moment.

635 **Employment Service positions  
Details of those filled**

**Clerk:** Question 639, the Hon. D J Bossino.

640 **Hon. D J Bossino:** Can the Minister for Employment provide full details of all the positions currently filled at the Employment Service, to include names and grades held, whether the individual is a civil servant or an employee of the GDC or a trainee in the Future Job Scheme?

645 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the following posts are currently filled in the Employment Service: civil servants – two Senior Officers; two HEOs; one EO; two AOs; one AA; one Personal Secretary; and one Messenger.  
GDC – one Grade 5; two Grade 4s; four Grade 3s; five Grade 2s; five Grade 1s.  
650 No trainees fill posts in the Employment Service and I am not prepared to give him any names.

**Hon. D J Bossino:** Mr Speaker, is there any reason why the hon. Gentleman refuses to give me any names? This is not an improper –

655 **Mr Speaker:** I personally think that it is not acceptable that the names of individual civil servants in a Department should be given across the floor of the House. I think it is quite unnecessary and the hon. Member would have to really convince me, privately, that that should be the case. I cannot see why, in this House, the names of individuals should ‘willy nilly’ be given for public information. Information has been given about the grades that have been filled, I do not think it is necessary, and I so rule, that I am not  
660 going to allow individual names.

**Hon. D A Feetham:** Mr Speaker, may I – Mr Speaker cut me short last time round and I would just ask him, as a matter of courtesy to the Leader of the Opposition, if I may be allowed to make perhaps the point which I can now make, that I was going to make before?

665 It is this, that of course if Mr Speaker allows a question on the Order Paper, Mr Speaker is effectively ruling, because Mr Speaker gets the questions, that the question is in order. Now –

**Mr Speaker:** No. May I – ?

670 **Hon. D A Feetham:** That is why –

**Mr Speaker:** No. (**Hon. D A Feetham:** That is why...) The names and grades – ‘names of the grades’ – I did not take that to be names of the individuals.

675 **Hon. D A Feetham:** Names and grades.

**Mr Speaker:** Of the grades, I did not take that to be of individuals.

680 **A Member:** Names of posts.

**Mr Speaker:** The name of the post and the grade of the post, but not individuals. Does the Hon. the Leader of the Opposition have anything else he wishes to say?

685 **Hon. D A Feetham:** No, Mr Speaker.

**Hon. D J Bossino:** Mr Speaker, just by way of guidance, which Rule of this House...? At the end of the day, this House is governed by the Rules and Standing Orders?

690 **Mr Speaker:** If the hon. Members wish to have a look at Rules, there are plenty of them, let them have a look at the Rules governing Question Time, where very often I am liberal. The very first one, I allowed the Hon.... as I just said previously, I allowed him to get away with it. I could well have ruled that it was dealing with more than one subject, and it was of excessive length.

695 A question must not publish any name or statement, not strictly necessary, to make the question intelligible. Therefore the answer does not have to also publish... I do not think that it is fair on Government employees, that in this House their names should... unless there is a very, very serious reason, and I cannot imagine that in this case there is a very, very serious reason why the names should be given.

700 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may be of assistance. If I can just clarify for hon. Members opposite, I believe this was the practice actually of the previous administration and of administrations before them, that names would not be provided.

We had an incident where the hon. the backbencher, when he was Leader of the Opposition, may recall he and I had a debate on the issue of the Heritage and Culture Agency, where I told him that we would not give the names of individuals across the floor of the House. But, because in that case we were dealing with a report from the Principal Auditor, I believe, that looked at what had happened in terms of the employment issues, I said in order for you to be able to defend yourself against the allegation that we have made, and that the Principal Auditor has substantiated, I will give you the list with the names behind the Speaker's Chair, and if you feel it necessary then to identify people you may do so, because then it would be essential for the purposes of that debate.

But otherwise, the practice of this House, I am sure, even from the time that Mr Speaker was actually on these benches, before your elevation, has always been not to share the names. If hon. Members wanted to make a specific allegation, about a specific individual who they felt was in the public interest, then that, subject to Mr Speaker's discretion, might be relevant. But otherwise, I think the practice has always been, not just in relation to Civil Servants and names of individuals, sometimes also in relation to companies, not to give identification by way of name, where it is possible to identify people otherwise.

**Hon. D J Bossino:** Mr Speaker, you have referred me, or the Opposition, to Rule 17(1)(ii) and of course, the provision states that a question must not publish any name or statement not strictly necessary to make the question intelligible. The questioner is not seeking to publish any names. What the questioner seeks to obtain, and to elicit from the Government in the answer, are the names. [*Laughter*] (**Hon. D A Feetham:** Absolutely.) Mr Speaker, the only possible, possible provision that I consider one may have breached, and I do not accept that it has been breached, is 17(1)(xii) which is:

'a question shall not seek information about any matter which is of its nature secret...'

In my view, when I posed the question, I did not think that this was of its nature, the information that I was trying to elicit from the hon. Member, secret.

Indeed, my hon. Friend and Leader of the Opposition...

**Mr Speaker:** May I say –

**Hon. D J Bossino:** Can I just finish the point, Mr Speaker? The hon. Gentleman, my hon. friend, the Leader of the Opposition, makes I think a valid point. (*Interjection*) When one files the questions, they pass through the Speaker's filter, so one thinks that one is in safe territory when one poses the question *viva voce* across the floor of the House.

But in any event, in answer to the point made by the Hon. the Chief Minister, his own Government, when I personally have asked this question of the Hon. the Minister for Tourism, the Hon. the Minister for Tourism, and maybe because of his liberal roots and perhaps a greater commitment to openness, has provided me, in very clear terms, in a colour organisational chart, in fact more information than I sought in the question itself last year – details of names and positions held, whether they were GDC employees – which is a question which I asked in this question – or whether indeed they were civil servants, the position as it was before he took office, and the position as it was after he took office. That is why, Mr Speaker –

**Mr Speaker:** May I say –

**Hon. D J Bossino:** Your filter, and the fact that I have asked this question and it has been openly responded to by the same Government (**Hon. D A Feetham:** Hear, hear.) that I thought I was able to ask the question. Mr Speaker and this does raise potentially an important political point. The Speaker mentioned that earlier, you mentioned it earlier; it does raise potentially a political point. We are hearing, many people are telling me down the street, or when they see me in consultations, that the Employment Service is being run like a cabal by the Hon. the Minister for Employment. (**Several Members:** Hear, hear.) (*Banging on desks*) All I want to do is to establish, not wishing to raise rumour to the floor of this House, to elevate to the floor of this House, but simply wish to establish, as I am indeed entitled to do, as a Member of this Opposition, Her Majesty's Opposition, to ask this type of question.

**Mr Speaker:** Two matters.

**Hon. D J Bossino:** The question was asked...

**Mr Speaker:** Two matters. First of all, I agree with the hon. Member that subparagraph (xii) does not apply because by the nature, civil servants, their employment is not of a secret nature. It applies to other instances though, the question of whether, by the nature matters are secret. I have ruled on some

765 occasions previously where I have not allowed a question, because I consider that of the nature, they are secret.

Now, the question of the filter, the Clerk and I receive 150 to 160 questions that we have to go through in a very short period of time, in order to allow the Government time to answer those questions. This is nothing new. This is something that has always happened. Neither the Clerk or I are yet infallible – and I do not think we will ever attain infallibility – and under the pressure of time, something can slip through, which perhaps on reflection, such as is the case now, one might not have allowed.

770 In all the years that I was a Member of the House, information about individual civil servants was not provided, either when I was in Government or whether I was in Opposition. I imagine that the two Speakers at the time knew what they were on about and so did hon. Members, and that is the view that I take.

775 I do not think that it is necessary, in order to pursue the matters which the hon. Member wishes to pursue – which I do not know about because, obviously, I am not in the street available to engage in political tit-tat of such a nature, that is not something I am privy to – but it is possible for the hon. Member to pursue these matters without the names of individuals being made public here in the House.

780 **Hon. Chief Minister:** Mr Speaker, if I may just deal with the issue of order that is being raised. I had an incident involving your predecessor, a Speaker, where a question of mine was admitted on the order paper and on representations made by the then Chief Minister, now the hon. the backbencher, across the floor of the House, which mentioned an individual's name. Mr Speaker then ruled that I should not mention the name of the individual, because it was possible to identify him in another way, although the question had been asked.

785 I think it is clear to all parliamentary practitioners, that although Mr Speaker may allow a question on the order paper, when it comes to hearing representations from the Government or from either Party in the context of the debate, Mr Speaker's view may be informed in a different way, and Mr Speaker may rule in a different way. That is absolutely the position as it has been until now. But I think it has been very useful Mr Speaker, that the hon. Gentleman has clarified, that the only purpose for which he wants these names, is to satisfy his thirst for rumour and for tittle tattle on the street, and what he has described as a cabal.

790 He might be interested to know, because I think sometimes the tongue is engaged before brain on the other side, that a cabal is a small group of secret plotters, against the Government or a person in authority. So if he is giving me an indication that there is a secret plot against me, then I am very grateful for highlighting that. But the definition actually talks about secrecy, in which case, Rule 17(1)(xii) would be engaged.

795 The fact is, Mr Speaker, that there are data protection issues here, why should names be bandied across the floor of the House, what is the allegation that he is making and does he really think that the politics of Gibraltar in this Parliament should simply be based on the rumours that he hears in Main Street?

800 **Hon. J J Bossano:** Mr Speaker, if I may. Can I just bring to the notice of the House Mr Speaker that the bulk of the people listed as working there were there before 9th December. *(Laughter)* I do not know whether they were a cabal of GSD then or they were already a cabal of the GSLP. But if they have all been converted to being a cabal of the GSLP, I am delighted to hear that that is whatever a cabal may be.

805 I can assure the hon. Member that, now that he has revealed that the reason why he wants the information as to the names is in order to try and establish their political affiliation, that gives me even more reason for not providing it.

810

**Several Members:** Hear, hear.

**Mr Speaker:** Next question.

815

**Graduate Employment scheme  
Contracts; increases; Labour Inspectors**

820 **Clerk:** Question 641, the Hon. D J Bossino.

**Chief Minister (Hon. F R Picardo):** Is this also based on rumour?

825 **Hon. D J Bossino:** Well, a rumour which the hon. Members could have dispelled.

**Mr Speaker:** May I now ask hon. Members to come to order and deal with the business of the House in a responsible, mature manner. We have spent an hour and ten minutes on five questions. That in itself is an indication of how liberal I have been this morning.

830 But let us get on with the business, in a responsible and mature manner, as representatives of the people of Gibraltar, which is what we are.

**Hon. D J Bossino:** Mr Speaker, I was responding to a quip by the Hon. the Chief Minister.

835 **Mr Speaker:** May I ask the hon. Member to ask the question and get on with the business of the House, and not to make any more snide side-remarks. (*Laughter*)

**Hon. D J Bossino:** But the point that the Hon. Chief Minister made, *his* was a snide remark. Why – ?

840 **Mr Speaker:** May we get on with the business of the House in a proper manner? Let us proceed with the questions and answers.

**Hon. D A Feetham:** I have never seen anything like this.

845 **Hon. D J Bossino:** Has the question been referred to?

**Clerk:** Question 641, the Hon. D J Bossino.

850 **Hon. D J Bossino:** Mr Speaker, can the Minister for Employment, state how many trainees are on the Graduate Employment scheme with the duration of their contracts in each case?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

855 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with Questions 642 and 643.

**Clerk:** Question 642.

860 **Hon. D J Bossino:** Can the Minister for Employment advise whether all the trainees in the Graduate Employment scheme have received the increases promised to them?

**Clerk:** Question 643

865 **Hon. D J Bossino:** Can the Minister for Employment provide details of the grades held by each of the recently appointed Labour Inspectors?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

870 **Hon. J J Bossano:** Mr Speaker, as at the end of August, there were 52 trainees in the Graduate Research and Employment Company, with 11-month contracts.

Trainees on the Graduate Scheme have not yet received their pay increase.

The recently appointed Labour Inspectors are all graduates engaged in the Employment Research Unit.

875 **Hon. D J Bossino:** Mr Speaker, of course, the hon. Gentleman knows that he is under a manifesto promise commitment, to provide graduate employments with three-year contracts. It is very clearly set out on page 25 of the manifesto. Can he confirm that these 11-month contracts, basically, will be renewed so that each individual graduate employee will be able to fulfil his or her entire three-year term in the contract, which is what the hon. Gentleman promised during the course of the election, as set out very clearly in his manifesto?

880 **Hon. J J Bossano:** Well, Mr Speaker, it is true that the manifesto talks of a contract for up to three years for those who are returning graduates and choose not to go on to do a higher degree, which is what the manifesto says.

885 There are people who do not come into that definition of what the scheme was for, and there are certainly many more than the six that according to the previous Government there were. The previous Government told me, in answer to a question in this Parliament before the election, that there were only half a dozen graduates available and looking for work, and it turned out that there were many more.

890 In order to be able to accommodate those that there were, and those that are coming back, what we do is we encourage the people in the system to apply for jobs that become available. Therefore the idea is that hopefully, not all of them will have to depend on us for three years of work and that we will be able to recycle people so that we are able to bring new people in when they are unemployed, but still get some people off the unemployment list by placing them in a permanent job in the private sector. That is an ongoing exercise.

895 **Mr Speaker:** Next question.

**Hon. D J Bossino:** Ah... Right!

900 **Mr Speaker:** A supplementary?

**Hon. D J Bossino:** Mr Speaker, yes. Is he telling this House, that there is a distinction between returning graduates, and presumably if you fall under that category you are entitled to a three-year contract, and those who are not returning graduates, presumably graduates, who were here in Gibraltar at the time that the scheme started? I think he needs to; this is an important distinction which he needs to clarify, because it certainly is not clear from page 25 in the manifesto.

905 **Hon. J J Bossano:** Well, it may not be clear to him, it was clear to me when I wrote it and it says returning graduates. *(Laughter)*

910 **Hon. D J Bossino:** Mr Speaker, is there a distinction or is there not?

**Hon. J J Bossano:** I am telling the hon. Member that in fact, given the fact that when it was written, it was on the false information that there were six existing graduates who were looking towards the returning one. When we found that they had omitted to tell us that there was a nought after the six and that really, we had inherited 60 people, then in fact the bulk of the people that were there were not returning graduates, they were already unemployed before we got elected.

915 The returning graduates for this year, for example, are expected to be about 250 and we will not be able to accommodate them, because simply the numbers are too big. So what we are doing is encouraging people and sending people to vacancies, so that as people move out of the grad we are able to take extra people on. But the number of 52 is about the average at any one time, but they are not necessarily the same individuals.

920 So when the hon. Member asks me are they all on three years, well the answer is no because there have been more than 50 in and who have now gone out of the system since we started.

925 **Hon. D J Bossino:** Mr Speaker, is he saying that if you are a returning graduate now, you will not necessarily benefit from the promise which was set out in very clear terms in the manifesto, which is that if you have decided not to take up the statutory entitlement to a post-graduate scholarship, and wish to return to Gibraltar, you will be given – not up to three years as he said in answer to my first supplementary – but a three-year contract as research assistants? Has the Government, for whatever reason, because they thought the numbers were less than they in fact are – and it is all the GSD's fault, as usual... Is the Government saying that there has been a departure from the policy as very clearly set out, and announced, in the manifesto in 2011?

935 **Hon. J J Bossano:** Mr Speaker, what I am telling him is that the people who return from the United Kingdom and are not able to find work and register as unemployed, and who do not wish to take the new opportunity that did not exist before, of the mandatory post-graduate degree, those people will be taken into the scheme, but that we will not be able to take in 250 in one go.

940 So what we are doing is, given the level of funding that we are providing, and given the fact that, unlike the impression created when that commitment was given that we were talking about having to provide for six or seven people, we are talking about having to provide for 60, we are now financing around 60 positions in the graduate scheme and that people come in as our people go out.

Therefore, I am confident that we will be able to accommodate practically everybody that wants to come in. That is what I am telling him.

945 **Hon. D A Feetham:** But Mr Speaker, is he saying that effectively he is operating a two-tier system, where there are people within the system that have three-year contracts, in other words those that may have come back, and those who are existing graduates when he took over, who have got 11-month contracts? Is he saying that there is a two-tier system in operation at the present moment?

950 **Hon. J J Bossano:** Mr Speaker, I cannot understand why he is asking that question, when the answer is all, *all* are on 11-month contracts, so where does he get the second tier from?

**Hon. D A Feetham:** From your answer.

955 **Hon. J J Bossano:** The answer is *all* 52 are on 11 months. That is the answer. That is the answer that I have given him and he says, am I saying that there are two tiers? Well, I am not saying there are two tiers. I am saying the fact that people may spend three years on renewed contracts, does not mean they have got a three-year contract. Every single person that has come in has been given an 11-month contract from day one.

960 **Hon. D J Bossino:** But Mr Speaker, that is in clear breach of the terms of the manifesto commitment. Forget whether they are graduates who were here, he is now making that distinction, or graduates coming back, and now he is saying, in fact he is confirming, Mr Speaker, that there is a departure from the promise, the policy as set out in page 25 of the manifesto. It is a very clear departure. The Government will now not be able to finance every possible graduate who comes back from the UK, a returning graduate fits the criteria as set out in the manifesto, but does not want to take up the statutory entitlement to post-graduate studies, but he is saying to us here and now, that the Government will not be able to finance all 200-odd and that he will have a limited budget for 60. For 60, Mr Speaker, so how can he quite fleetingly say that no, they are all on 11-month contracts. The fact is, he stated that they will be given three-year contracts.

970 Mr Speaker, can he clarify the position?

**Hon. J J Bossano:** Yes, of course I can clarify the position, Mr Speaker, if you give people three years of an 11-month contract and then one contract of three months, that comes to three years. I know he has difficulty in counting up to 36, but actually it is the same amount.

975

**Hon. Chief Minister:** The commitment is there.

980 **Hon. D J Bossino:** Well, Mr Speaker fine. Is that what he is doing? This is what I thought the Government was doing, because all I can base myself on is what they promised in the manifesto, and I do not think we have asked this question in the past. So I am getting this information straight from the horse's mouth now.

985 I expected that was going to be his reply in the beginning, that there would be rolling contracts, which is perfectly acceptable under EU law and, after a certain period of time, they would have certain employee statutory rights, despite the short duration of the limited contracts. Is that the position? Are they going to be extended?

990 So if I am a graduate now... he needs to here and now tell us and yes, Mr Speaker, and to assuage any concerns that there may, of those graduates of those employees who are employed by the Graduate Employment Company, that their contracts, their current 11-month contracts will be renewed at the end of that particular term, to take us up mathematically to the three-year contract which was promised in the manifesto.

Is that the position?

995 **Hon. J J Bossano:** Mr Speaker, I do not need to give comfort to any of the 52 graduates whom I know personally and I see every day, by answering questions from the hon. Member who is trying in fact to do the opposite. (**Hon. Chief Minister:** Hear, hear.) Instead of calming their fears, what he is trying to do is actually create fears that are non-existent –

1000 **Hon. D A Feetham:** There is a lot of fear.

**Hon. J J Bossano:** Well if there is a lot of fear, then I am available and they can come and tell me what their fear is. If they choose to go to the hon. Member opposite, it can only be because they are in the wrong cabal. (*Laughter and banging on desks*)

1005 **Mr Speaker:** Any other supplementary?

1010 **Hon. D J Bossino:** Yes. Mr Speaker, in relation to Question 642, this was in relation to the annual increases. Can he explain why the increases, again which were promised in the manifesto, and look it may be an administrative issue, but can he explain why the increases have as yet, not been paid? The manifesto promise was that the increases were going to be paid, I think, in two stages during the course of the three-year contract, initially it was going to be 50% above, for the first year 50% above the minimum

wage, then in the second year, 25% above and then to reach 100% in the third year. Can he explain why the delay?

1015 **Hon. J J Bossano:** Mr Speaker, it is not unusual for people to have pay rises calculated and paid retrospectively. Their calculations are currently being done to go from 125 to 150... sorry, from 150 to 175. When that happens, it will be back-dated to the anniversary of their entry point, which clearly is more than 11 months. But obviously if I am giving people an increase after 12 months, it must follow inevitably and logically that they are not all being sacked at the end of the 11 months as he was  
1020 suggesting in his previous supplementaries, because otherwise there would be nobody to get to the second stage.

**Hon. D J Bossino:** Yes, but I do not think he has explained. He has explained that it is common, and it can happen, I am just asking why it has happened. That is all.  
1025

**Hon. J J Bossano:** Well, it has happened because it is being calculated. The calculation has not yet finished. When it is finished, it will be made back-dated to the anniversary, because although there are 52 people on 11-month contracts, they are not in their first 11-month contract. Otherwise, nobody would be entitled to go from 150 to 175 because nobody would have been for 12 months.  
1030

**Hon. D J Bossino:** Mr Speaker, I think Question 643 was also asked, which related to the grades held by each of the recently appointed Labour Inspectors. I think the answer was that they are grad employees, all of them, I think hold that position.

Is this not unusual that trainees should in fact receive a statutory appointment as Labour Inspectors? Labour Inspectors, the appointment is made – as the hon. Gentleman knows – under section 16 of the Employment Act and under section 17, there is a raft of statutory powers which they can exercise as Labour Inspectors. The position in the past – as again he well knows – was that these positions were filled I think by and large, by relatively – and in some cases – senior civil servants, in the position of HEOs and SEOs.  
1035

So how is it possible, does he not think it is unusual, that all these Labour Inspectors should be in the Graduate Employment Scheme?  
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**Hon. J J Bossano:** Well, Mr Speaker, the hon. Member has only listened to half of the reply that I gave him.  
1045

I said they are engaged in the Employment Research Unit. The Employment Research Unit needs to approach employers to obtain information, which they can only insist on getting because they are authorised under the Employment Act, which allows the Director to employ any person to appoint any person. That is why they have been appointed and they have been carrying out research in the whole economy of the Registration of Employees, which had been hugely out of date, as I have told him before, and we have had a team of people updating all those records, in order to be able to carry out that function without the employer saying, 'I do not have to give you the information, they have been appointed Labour Inspectors.'  
1050

**Hon. D J Bossino:** But surely, Mr Speaker, that begs the question why it is that that... I mean that is a job which a Labour Inspector who would have been there before, could have done. The information that I am receiving – not to call it rumours – is that I think we are down to one man in the Labour Inspectorate, whereas before there were six or seven formally appointed positions.  
1055

So why is it that he is now having to fill those jobs by graduate employees to carry out something which could have been conceivably, and I would dare say more properly, done from a good governance position, by formally appointed civil servant Labour Inspectors, who I assume would have had the experience and the training to have done a delicate job like this – not a group of six graduate employees?  
1060

**Hon. J J Bossano:** Well, Mr Speaker, I do not know how the hon. Member has decided that it is a delicate job like this, when he does not seem to know what the job is, even though I have tried to tell him. The only reason why I am having to do it Mr Speaker, is because for the last 15 years, the records of the Employment Service are an absolute shambles.  
1065

There is, in fact, let me remind the hon. Member that the last Minister for Employment, the last Minister for Employment, Mr Montiel, continued to be registered as working in Bleak House under the GDC when he was throughout the four years as a Minister. Therefore in order to require people to comply with the law which the Employment Service itself was not complying, if the Minister had attempted to enforce the law, he should have sent a Labour Inspector to himself, to question why he was illegally registered as working in Bleak House.  
1070



1075 The team of six people that have been carrying out the research have been trying to get the records that I inherited, after 15 years of bad government, and I am trying to put right so that when he asks questions, I can give him accurate information. If I had to rely on what I inherited, the figures that I would be giving him would be meaningless.

1080 Indeed, I have pointed out more than once the caveat that when I tell him there are so many people in the Employment Service registered as employed, that is subject to the fact that those records may not be accurate. One of the reasons is, because employers, including the GDC, in the case of Mr Montiel, failed to inform the Employment Service, that the guy that is sitting there as Minister is no longer sitting in Bleak House, and can they please alter the computer record.

1085 Well, there is probably of the order of 2,000 inaccurate entries in that computer system, and what these six people have been doing is, ringing up individual employers and saying, 'Look, I have got a list here that says you employ so and so and so and so: can you please tell us whether these people are still in your employment? Can you tell us if any new people have been taken on and can you tell us if any of them have left?'

1090 Now, that may be a delicate job or may not be a delicate job, but it is certainly not the job that you require vast experience to do, because in fact all that you are doing is informing an employer of the names that are registered. But the employer can, on the advice that I got, say, 'Well look, I do not have to give you the information, because the information is being required under the powers of the Employment Act which a Labour Inspector is entitled to employ.'

1095 A Labour Inspector is entitled to go into an employer and say, 'I want to see your record of employees, to see if it matches what we have got registered. If you have got people here who are not registered, then they are illegally here and I can impose a £1,500 fine or a £2,000 fine for every individual that is working without having been registered with a contract with the ETB.'

1100 Now that law, which was introduced by the GSD was introduced but, like many other things, it was just introduced and nothing else happened. Because it is obvious that we have got not only people who are not registered when they work, we have got people who have stopped working and nobody has bothered to tell the Employment Service and therefore our statistics, in terms of the size of the labour market, are up the spout and all these people under the existing law can be imposed fines which we have not done, because we have discovered that the Government itself and the Employment Service itself was no better than the private sector. I thought it would be wrong to say to the private sector, 'We are requiring you to comply with the law which the Government itself ignores, and in many respects is the worst culprit.'

1105 I can tell the hon. Member, for example, that when we did an exercise with the Fire Brigade, we found that there were still people registered there at the age of 80 as firemen, who retired 25 years ago. So it is the correction of those records which is a finite task that is being done by these people who have got the skill, in my view, and the intellect to be able to do this limited research project. I hope that when the research project is over, I will be in a position to provide more detailed and accurate information to his list of questions that he puts to me. So really, I am doing it for his benefit, more than mine.

1115 **Hon. D J Bossino:** Mr Speaker, he knows that I always enjoy listening to him and I am sure I will continue doing so for many years to come – (*Interjection*) Well, I hope, exactly the Hon. Chief Minister, I hope to be answering his questions in the not-too-distant future.

1120 But I did tell him during the course of the Budget debate that a leopard never changes his spots and his retort, under his breath was, 'But they are good spots.' I am afraid this is not one of his good spots and he does have this propensity, despite the length of his answers, which I enjoy listening to, but not actually answering the question. He ought to consider some advice from the Opposition benches; it is an issue that he needs to deal with. Mr Montiel seems to wriggle in to all his answers and I think that is completely, with respect –

**Mr Speaker:** Will the hon. Member please ask a question?

1125 **Hon. D J Bossino:** Mr Speaker, it was a really lengthy answer and this is part of, I think, Parliamentary activity. But I will ask a question –

**Mr Speaker:** Activity does not mean debating. Debating is not part of the process of asking questions. I am asking him to ask the question.

1130 **Hon. D J Bossino:** Mr Speaker, the hon. Gentleman says that – and I was going to ask this question, but he kind of alluded to it at the end of his reply – that the exercise would be finite.

Is the intention of the Government to then withdraw the certificates from these particular individuals as Labour Inspectors; and if I may ask a two-prong supplementary Mr Speaker, with your permission, is the intention to fill in those posts, which at the moment as I understand it – had I had the answer to the

1135 previous question I may have been able to confirm the position – is the Government intending to fill in the positions by Labour Inspectors in the near future, when that exercise presumably finishes?

1140 **Hon. J J Bossano:** Mr Speaker, there are no positions. It is not that there is a fixed quota of Labour Inspectors and that therefore these are six positions that are now filled by graduates which were filled by somebody else, and which when the graduates finish their job, the task that they are on at the moment is a finite one. Once we have got hopefully everybody, we are now at the stage where we are trying to track down the people that have not been contactable, and we do not know whether it is that they do not exist because they do not answer telephones and they do not seem to be – so now we are at the stage that everybody that was contactable has produced a response which basically is in three categories. As he would expect from the information I have already given him, that is to say that there are those who have said, ‘The record you have got is accurate’, there are those who have told us that they have got people that have left and they forgot to tell us that they had left, and there are those who have told us that they have got people employed when they had not registered, which technically means that they were illegal labour, but given the fact that the records are in such a state, we are not doing anything about it.

1150 Once that exercise is complete, whether we still require them to do any other work or not, in terms of research, will depend on what needs to be done subsequently. But the research unit is engaged in the analysis of the composition of the labour market, in order to be able to provide a better service to employers and more accurate answers to the hon. Member’s questions.

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#### **Sunborn Hotel Vacancies**

1160 **Clerk:** Question 644, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment advise this House whether the Government will have any input in the filling of the employment vacancies being made available by the Sunborn?

1165 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Yes, Mr Speaker.

1170 **Hon. D J Bossino:** Well, at least it is not a ‘no’ answer, so again we are making progress, Mr Speaker, this morning.

1175 What in fact is the input, is the ETB compiling a profile of the 200 jobs which I understand... This is a report of the *Gibraltar Chronicle* back on 22nd August, which I think quoted the CEO of the Sunborn saying that it was... very proudly stated that he had placed 200 and it is literally quoted ‘foundation jobs’ with the Employment and Training Board. He also refers to the fact that he is working very closely with Joanna Hernandez and the team at the ETB to fill these 200 positions. So how is it that the, what input, can he give me further particulars as to the input that the ETB is having in relation to the filling up of these jobs?

1180 **Hon. J J Bossano:** Well, the answer is that as we expect every employer to do in Gibraltar, they have opened the vacancies with the Employment Service, which is what the law requires them to do, and they are committed to give priority of employment to the people supplied by the Employment Service, provided they have the necessary skills and they are committed to take on trainees in areas where we do not have the skills, but we can provide trainees that may not require a lengthy period of training.

1185 Clearly, there are many specialist jobs in the 200 which regrettably we will not be able to supply, because we do not have people with those skills. If those are on the open market, I imagine that the only way that they can be filled is because people move from other hotels to this one, because there are no unemployed people from the... I mean, there has not been a hotel school in Gibraltar. There has not been an area of training in that area, so it is not that there are trained people that come out of training and then are looking for work.

1190 That has not happened, it has never happened and it is understandable, because in fact the entire pool of jobs in the hotel industry is not such, and the turnover is not such, that people could think of going into that industry with... The hon. Member knows, we have highly skilled people who are outside Gibraltar today, as he and I know well who, until there are more hotels and more opportunities here, there is nowhere to go.

1195

1200 So the answer is that the company is fully committed. It has signed a business partnership agreement with us, it is committed to take in trainees, it is committed to taking on local resident workers, if we are not able to provide them. As soon as they are ready to start interviewing people, we are ready to start supplying them. Clearly if there are people at one stage, or there were people at one stage in August who were unemployed and since then other job opportunities have come, people are not going to be waiting for this to happen if other jobs become available. So there is quite a high turnover in the numbers of unemployed, even though the total number is static, there is a flow in and out of about 200 a month.

1205 Therefore, it is against that background and in that context that we are ready to supply. What I am saying to the hon. Member is, that for example if I tell him that about 200 people come in and out of the unemployment list every month, it means clearly that there are 200 people who were there in August who are no longer there, and there are 200 people in September who have become unemployed or registered since. So the availability of the supply of labour from the ETB is not a constant, there are not all that many people in long-term unemployment. Those that are in long-term unemployment are the ones that are more difficult to employ, but there is a float coming in and out and we are closely in touch with them to try and fill as many of those 200 jobs as we can. They are very receptive and very co-operative and it is an attitude that I commend to the rest of the employers of Gibraltar.

1215 **Hon. D J Bossino:** But, Mr Speaker, if I can take this from his response, is he saying that there is nothing extra which is being done in relation to the Sunborn? In other words, is the Sunborn being treated in the same manner that all other employers are treated? He rightly makes the... He knows that I come from a family in the hotel industry, father, brothers, and it is highly specialised. You have got chamber maids, you have got waiters, no not everybody can do it and I suspect that not everybody on the unemployment register or unemployment list will be able to do that type of work.

1220 So, is anything extra, and he makes a reference to, and I quote him when I say, 'Business Partnership Agreement with us'. Can he give more information in relation to that? Are there certain conditions which are imposed in that agreement? Is it in any way related to the financing which the Sunborn has received from Credit Finance Company Limited? Can he shed more light on that particular... I cannot ask specific questions as I know nothing about it, I do not have the intelligence, so he is the one that needs to provide that (*Laughter*) information to me and I would be very grateful if he could shed more light in relation to that particular piece of information, which he has just mentioned in the course of his reply.

1230 **Hon. J J Bossano:** I am surprised that he seems to be reacting as if he had discovered something new in the Business Partnership Agreement, Mr Speaker. The Business Partnership Agreement has been there since 1st February 2012, and it is the Business Partnership Agreement that he always asked me to give him the names of all the people who signed it. No, and it is the same thing, no. It is available to the whole of Gibraltar.

1235 **Hon. D J Bossino:** Fine, Mr Speaker, he expresses surprise but he has confirmed and he has in fact replied to the question, it is the contract which is entered into by the prospective employer with the Employment and Training Company Limited, or whichever other company which provides the services at the Future Job Strategy.

1240 **Hon. J J Bossano:** It only applies to trainees if they take on trainees. That is to say, if they take people from the normal unemployment list and they start paying them from day one, that does not apply. It applies only in respect of a commitment to guarantee employment at the end of the training period, and then the only help they would get, is the help that other people get that have been taken, that is to say the figures that I have given him on the 999 and 546. Well look, the 546 are now employed by employers in Gibraltar who signed a Business Partnership Agreement and honoured the agreement on completion of the training. This is no more and no less than the rest.

1245

**Mr Speaker:** Next question.

1250 **Hon. D A Feetham:** Yes Mr Speaker, obviously this company is not in operation yet; the ship is there for everybody to see.

He says that there has been a Business Partnership Agreement that has been signed. My understanding of course of these agreements is, that the agreements are entered into when the individual is taken on by the company. Now, it presupposes, and I would just like the hon. Gentleman to confirm this, that the company has already agreed to take on a certain number of individuals, perhaps even identified those individuals, when it starts operating sometime next year.

1255 Can he confirm that is the position and if it is, can he give an indication of the number of people that we are talking about that they have agreed to take on as part of this Business Partnership?

1260 **Hon. J J Bossano:** No, that is not the case. What is the case is that they have agreed to do it if it is  
 going to do very closely with the Employment Service – they find that they are able to take  $x$  number of  
 employees, paying them from day one. Then there are the people that they are not able to take on, because  
 the skills do not exist. Then they find that of those where the skills do not exist, there may be people who  
 1265 have got enough of the background, that with a three-month period or whatever is required, depending on  
 the gap, on the skills gap, we identify that there are people that fit that definition and then they are  
 committed to take them on as trainees and they are committed to employ them.

So in fact, they are committed to a Business Partnership Agreement, which will only be triggered if it  
 is required and if there are people available. There are two sides to this, the company may be quite willing  
 to take them, but we may not be able to supply the people. We do not know that until we have first  
 1270 exhausted the ones that they can take, which clearly means that if there are people – look if they need, for  
 example, cleaners or receptionists or something, they may find that there are people with those skills  
 already available and they can take them on straight away.

There may be more specialist skills where the local workforce in the past has not been very involved.  
 The level of Gibraltarian participation in the industry, in the hotel industry, is predominantly on the white  
 collar side. There are not all that many outside the administrative rolls. The administrative roles they will  
 1275 be able to take from us, without the need to provide training, because we have got people who have got  
 administrative skills. If someone needs to employ a typist, it is not a different kind of typist from working  
 somewhere else, simply because it happens to be in a hotel. So some of those jobs which are admin jobs,  
 they will be able to offer.

Some of the jobs that they may want, perhaps to teach them some systems that they have in their  
 1280 accounting or whatever, may mean that in order to accommodate their requirement, we give them a little  
 bit of help in that we have somebody who has a background in office skills, but not the ones that they  
 specifically want to use with whatever programmes they have. So that is something, when we go into  
 these things with employers, we go into quite a lot of detail to try and see what we can do, because the  
 whole idea is clearly to get people off the unemployment list. So, we go to whatever lengths are required  
 1285 to try and persuade the employer that it is in their interest to let us help by up skilling some of the people  
 that we have got.

So really, there are two stages. The first stage is if the skills are there they will take them, and there is  
 a commitment to do that. If the skills are not there, we will jointly explore to what extent those skills can  
 be acquired and then, if those two areas fail, which I expect may be the case with quite a lot of the jobs,  
 1290 then they will have to get people from outside, or from within the Gibraltar labour market because they  
 may be working elsewhere. I mean, there may be people in other institutions in Gibraltar, who may want  
 to move if there is a better paid job available here, that may happen.

1295 **Hon. D A Feetham:** Mr Speaker, can I just explore with the hon. Gentleman, the strength of that  
 commitment. Because of course, I could understand that if they have signed some kind of agreement, that  
 they are committed under an agreement, to effectively do what the hon. Gentleman has described. Look at  
 what you have available, see whether it matches the skills that they need.

But he has talked about a commitment, how committed are they? Is this a situation where, for  
 1300 example, as part of the loan that is being provided to the owners of the Sunborn by Credit Finance  
 Company Limited – there is another question in relation to that in the Order Paper – that the company has  
 then in turn committed itself to taking a certain number? Is that what we are talking about? How concrete  
 is this commitment? Is it linked to anything that the Government either has done, or caused to be done by  
 a third party that it in turn controls?

1305 Can he provide an answer to that?

**Hon. J J Bossano:** Yes the answer is quite simple: it is not linked to anything. It is just the same as it  
 is with every other employer. We have got some employers in Gibraltar, some local companies that have  
 got a very positive attitude to working with us in this system, some companies that have been around for a  
 very long time, who take quite a lot of our candidates. There are others that are very reluctant and need a  
 1310 lot of persuading.

Well they fall in the first category and there is no link to anything else. They accept that if they are  
 coming here to do business, they should have a positive attitude towards the community and towards  
 providing as much employment as possible for the local people, who will be eventually their customers as  
 well. I think it is a perfectly normal thing from a reasonable employer.  
 1315

**Hon. D J Bossino:** Mr Speaker, just a point of clarification. I think in his previous response to my  
 hon. Friend, he said that the intention would be to make available those who are in the registered  
 unemployed list. But of course presumably, he will also – if I recall the answers he has given to this  
 House in the past, as to how the transitional stage of the Future Job Scheme is working – he will also be

1320 interested to ensure that those individuals, trainees who are placed within the public sector, are also offered this opportunity to leave the public sector and go into the private sector.

**Hon. J J Bossano:** Yes, he is quite right, that is also there. Yes.

1325

**Registered unemployed  
Numbers in 2013**

1330 **Clerk:** Question 645, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment provide the figures for the registered unemployed for each of the completed quarters in 2013?

1335 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the number of Gibraltarians registered as unemployed for each completed quarter of 2013 was: first quarter – 465; second quarter – 491; third quarter – 442.

1340

**EU funding applications; development aid; inward investment  
Details**

1345

**Clerk:** Question 646, the Hon. D J Bossino.

1350 **Hon. D J Bossino:** Further to Question 359/2013, can the Minister with responsibility for inward investment advise how many further applications there have been for EU funding, how many have been approved, and of those approved applications, details of who they are and the purpose for which the funding was applied?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1355 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with 647 and 648.

**Clerk:** Question 647.

1360 **Hon. D J Bossino:** Since asking Question 359/2013, can the Minister with responsibility for inward investment, advise whether any development aid has been granted?

**Clerk:** Question 648.

1365 **Hon. D J Bossino:** Since asking Question 360/2013, can the Minister with responsibility for inward investment, report to this House what further inward investment has come to Gibraltar to date, to include the total number of enquiries which have been received.

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1370

**Hon. J J Bossano:** Mr Speaker, since the answer to Question 359/2013, no development aid has been granted but there have been 15 applications for EU funding which have all been approved. These are: Technical Services Department – three projects; The Atlantic Café Ltd; Astute Investment Ltd; D C Leisure Ltd; The (Gibraltar) Laundry Services Ltd; GSLA; A J Sheriff Electrical Ltd; Roxbay Holdings Ltd; Everleigh Ltd; ANS Project Management Services Ltd; Jets Diner Ltd; Décor Construction Ltd; and Horatio Holdings Ltd.

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The purpose of these funding are as follows: building works and equipment – nine projects; equipment and installation costs – one; furniture and equipment – four; materials and equipment – one.

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Since 1st January 2013, 442 new business activities were registered with the Department. Some 15 of these new employers involve participants from outside Gibraltar, which in some cases, amount to 100% ownership.

I am currently dealing with 15 enquiries about possible investments and in talks with the potential investors.

1385 **Hon. D J Bossino:** Mr Speaker, in relation to the potential investors, can he confirm that those are in the plural, or is it one?

**Hon. J J Bossano:** There are 15 different activities and there are 15 different entities. Yes. One. Five.

1390 **Hon. D J Bossino:** But the question, these are 15 enquiries which his office has received. I am asking then at the end, I am not sure whether that related to the 15 or whether it is a separate category, he said that he is in talks with potential investors – I am not sure, I did not catch whether it was in the singular or in the plural – are they all, those 15?

1395 **Hon. J J Bossano:** I am in talks concurrently with all 15.

**Hon. D J Bossino:** Mr Speaker, did he give an indication as to what activity they were engaged in, those 15? I do not think he did.

1400 **Hon. J J Bossano:** I have not. I do not mind giving him the information, because in fact the activities really are all different, and it is possible for the individuals to be identified, because it is not as if I was telling him there are ten people wanting to put hotels. It is really almost one of each. I can tell him what the list is outside, but I would rather not do it because otherwise, the person can in fact, at this stage which is still... Some are closer to commitment than others, but in all these things, there is always a starting point but you are never sure when the finishing point comes.

1405 Some of these things, some people that are there, not many of them but a couple of them, were there from before. One is the hotel that the hon. Member has been asking me for, which has still not happened and it has been around for a very long time.

1410 **Hon. D J Bossino:** Yes, Mr Speaker, in his reply to the question in relation to development aid, he said that there was none. Is anything maybe related to the enquiries he has been receiving? Is there anything which he thinks is in the pipeline which could be the beneficiary of such aid?

1415 **Hon. J J Bossano:** I would not expect it. All the people that I am talking to, all claim to have quite a lot of money to invest, so I would not expect they will need any aid.

**Hon. D J Bossino:** Sorry?

1420 **Hon. J J Bossano:** I am saying that all the people that I am talking to, all the private investors that I am talking to, all claim to have sufficient financial resources to be able to do it, without expecting to get – I think it needs to be understood that the development aid, in terms of a holiday from taxation, was more important really when there was a higher rate of tax than there is now. I would have thought that frankly with 10%, somebody would have to make a very strong case for arguing that he cannot... that something that is a profitable investment, but he cannot even afford to pay 10% tax.

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**Nuffield Pool site  
Potential development**

1430

**Clerk:** Question 649, the Hon. D J Bossino.

1435 **Hon. D J Bossino:** Mr Speaker, I think this is the question that he referred to in his answer. Can the Minister with responsibility for inward investment, advise this House whether any further progress has been made in relation to the potential development of the Nuffield Pool site?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1440 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Yes, Mr Speaker. I understand the original party interested in this site has been the successful tenderer and is currently dealing with planning issues.

1445 **Hon. D J Bossino:** Mr Speaker, I think this was the subject of a question and answer session some time ago, and he gave me a report as to how that potential investment – a rather full report – as to how that potential investment was progressing. So I am glad to see that there has been positive progress in relation to that.

I seem to recall that this was a hotel venture at the Nuffield Pool site. Can he confirm that that is the scheme, i.e. the construction of a hotel at the Nuffield Pool site is the one which has been approved.

1450 **Hon. J J Bossano:** It has been approved to the extent that it is the scheme that has won the tender, and therefore the position is that the scheme has now gone to planning. Whether it is approved as it stands or whether the planning system will require any changes, obviously the investor is not willing to complete until he knows that he is going to get the planning permission necessary to be able to build what he wants to build, clearly. That is at the stage at which it is.

1455 I have no involvement in that side of the business, so I do not know whether the scheme – which to my knowledge is the one that was previously there, but apparently it never even got as far as planning permission – is likely to be successful or may require modification or not. But what I can tell him is, that on the basis, in fact, as I remember when he first raised it, I was not even aware of the existence of the proposal and I went back to investigate it. I found, indeed, that there had been a commitment from the previous administration, and therefore we contacted the investor and told him that we had researched the background, which he raised with me in this House originally, and it is really progressed from that stage to the point that it has now, in effect, been awarded to him and he is now in the planning process. Presumably when that is finished, then he will be able to come back. From our perspective, the sooner the thing is completed and he gets on with the investment, the better, clearly.

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1470 **Hon. J J Bossino:** Mr Speaker, unless I am getting confused with the question I was thinking I had asked him some time ago, I think the stumbling block when I asked the question was not that he was not aware of the detail, but in fact that the proposal which had been made to him was that there was not a commitment by the previous administration not to pay, or it was in the offing, as part of the negotiation, not to pay the premium. I am not sure whether the hon. Gentlemen recalls, he is nodding. Has that point been addressed? Is the investor going to be paying a premium for the site? Or...

1475 **Hon. J J Bossano:** Yes, Mr Speaker, it was investigated and therefore it was addressed on the basis that indeed, there was such a commitment given. But nonetheless, when we decided that, the tenderer at the last minute had to retender to see if there were any competing parties. The individual who had previously been given a commitment that he would get it on the basis of relocation facilities without having to pay a premium actually tendered to pay a premium. So, we are now at a point where we are actually getting the person still interested in doing the project, but now willing to pay a premium which, before, he did not have to pay.

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1485 **Hon. D J Bossino:** Mr Speaker, I am not aware of the details of the scheme, so he will forgive me. But there is a manifesto commitment in his Party's manifesto of the last General Election which states that the Nuffield Pool will be made available once it is handed over by the MOD to the Gibraltar Government to members of the public. Presumably that commitment will remain, despite the progression of this particular scheme?

1490 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am dealing with that aspect of this matter, and the answer is yes, that commitment remains as part of the scheme. He needs to understand that the pool does not come over to the Gibraltar Government until it is re-provided and the re-provisioning, as people on his side who have a corporate memory of the negotiations of the MOD will know, does not occur until the whole of the re-provisioning down at Four Corners Camp, and that is an issue which is part of a much larger tendering process which sees the re-provisioning of Rooke, sees the re-provisioning of a lot of housing and it sees the re-provisioning in part of Nuffield Pool and other areas which the MOD is handing over to the Government of Gibraltar. So that process links into that manifesto commitment and the possibility of re-developing the site.

1500 **Leisure Construction % Maintenance Company Limited**  
**Details of employees**

**Clerk:** Question 650, the Hon. E J Reyes.

1505 **Hon. E J Reyes:** Can Government provide details in respect of the number of employees employed by Leisure Construction & Maintenance Company Limited, broken down by grade, gender and nationality.

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1510 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the company is not yet registered as trading; it is not engaged in any activity at the moment.

1515 **Hon. E J Reyes:** In a previous question we had about companies that had been registered at either No. 6 or similar type of addresses, the Minister advised us to go and carry out searches at Companies House. We discovered that on 11th February 2013, this company was set up whereby public servants were set down as the share subscribers and so on.

1520 Since that date, what has appeared is a notice in the *Gibraltar Gazette* for the same company, using an address now, a postal address of Bayside Sports Centre in Bayside Road, which is commonly referred to as the Victoria Stadium, and is requiring a licence, a tender to apply for business as and its supply of children, youth outdoor and indoor play equipment and so on, leading us to believe that it is probably going to carry out maintenance or even construction of a new children's play park leisure area and so on. Therefore if that is going to happen, I thought there was a lot of sense in finding out what size is this company. Is it a very big work force or a small workforce?

1525 I am even curious and I can tell him now, Mr Speaker, in the past these works at the children's playground were done using the Gibraltar Sports and Leisure Authority. The Government seems now to be choosing to use a location pertaining to the Sports Authority but have the goods imported and so on by the company. Can the Minister enlighten us because you are applying for a licence and everything and from his first reply there does not seem to be any workforce at all attached to it?

1530 **Hon. J J Bossano:** Well, I do not think it is unusual, Mr Speaker, for people to ask for a licence first before they actually commit themselves to employing people. Because if they do not get the licence, what would they do, sack them? So the reality is that the move that is, I was not aware of that clearly, because it is not my side of the business, but I can tell him they are not registered with the ETB and they are not, they have not opened any vacancies. Whether they do or they do not, if he asks me again in future, I can tell him if anything new has happened or update him if he wants, I can write to him if vacancies surface in this company. But at the moment, other than what he has just told me, that they have applied for a licence, nothing else seems to have happened.

1540 **Hon. E J Reyes:** So is the Minister at this stage, Mr Speaker, aware that following the application for a licence, it could well be the future intention to take on employees to actually carry out then the task of maintenance and construction of play parks and so on, or is he still not aware of that particular aspect?

1545 **Hon. J J Bossano:** Well, logically, if they get a trade licence and they are going to undertake work, they will have to open vacancies and take on employees. I do not see how else they will be able to deliver. But all I can tell him is, I am answering the original question, which said the number of employees, well the answer is there are no employees. I cannot tell him whether there will be, I would expect there would be, and I cannot tell him how many there will be until it happens.

1550 **Hon. D A Feetham:** But Mr Speaker, is this a Government-owned company, or is it one of these private companies incorporated by individuals that the Government is assisting by way of provision of shareholder, director services or indeed, addresses. Because of course, it is as my hon. Friend has pointed out, it is registered in the application for a trade licence, an application that includes materials, tools, infrastructure installation and all sorts of construction matters, it is registered in Victoria Stadium. So can he please tell us whether it is a Government-owned company or is it a private company?

1560 **Hon. J J Bossano:** Mr Speaker, this is one of a group of companies that were originally set up with Government assistance and then transferred to individual owners. But, they are not the only one that actually started up like that and then did not do anything subsequently. I think we started off with about 20 and we finished off with 15 and this is one of the five that other than this business of applying for a license, nothing further has happened. But, it is not Government-owned.

1565 **Hon. E J Reyes:** Mr Speaker, is the Minister aware that the two signatories, where it says 'signature of applicants', are they not employees of the company? Because in my search at Companies House, they were not registered as either directors or as anything, so what has happened since then? Can he enlighten me a bit further?



1570 **Hon. J J Bossano:** Well, I cannot enlighten him further than to say the company has no employees registered with the Employment Service and is not registered as an employer. So therefore, at the end of the day, all I can tell him is, that as far as I am concerned, it is a shell company which may be applying for a license, which may or may not be something that the Trade Licensing Committee will take into consideration. I do not know whether when they go to the Trade Licensing Committee, the Committee ask them questions about what are they going to do, or who do they employ. All I can tell him is, that in answer to his original question, he is asking for the number of employees. Well, there are no employees, that is all I can tell him.

1575 **Hon. D A Feetham:** Yes, Mr Speaker, but I thought that he said that this is one of the companies that was transferred back to the original, to the people for whose benefit the company was incorporated in the first place. The two applicants are civil servants, are they the...? I can pass you the application, if the hon. Gentleman does not have it –

1580 **Mr Speaker:** No. The subject of the question is not about the composition of the company. It is not about details to do with the company. The subject of the question is the number of employees employed by them. The Hon. Minister has said, according to the employment records, they do not employ anybody. The original question has been answered. Now you wish for information regarding the composition of the company and other details. It is a separate matter, strictly speaking.

1585 **Hon. D A Feetham:** No, it arises out of the answer that he has provided. Of course we are not clairvoyant; we do not know the answer that the Minister is going to provide. The Minister has provided an answer that the company, this company has been transferred back. The application for the license is signed by two civil servants. My question was, are these the people that they have transferred this company to? It arises out of the answer to the question.

1590 Because it seems odd, bearing in mind the answer that he has provided, that it has been transferred back to the, effectively to the original beneficiary so to speak, that the application has been made by two civil servants, unless of course these are the two civil servants that are effectively the two original beneficiaries. That was the question and I did not want to, across the floor of the House, name these two individuals. I can if he wants to but that is why I wanted, and indeed it could be – (*Interjection*)

**Mr Speaker:** Let us see whether the Government have the answer to the question.

1600 **Hon. J J Bossano:** Mr Speaker, the question that has been asked of me is whether I can provide details in respect of the number of employees, and the answer is there are no employees. The company is not registered with the ETB, with employees, or as an employer.

1605 Now he wants to know whether the people that have signed that piece of paper were the people who were the original beneficiaries of the company to whom the company was transferred. Well, I do not have that information of this, or of any other company, because, in fact, what I looked at is the employment statistics, not anything else. But I will try and find out and let him know.

1610 At the moment, all I can tell him is that other than that application for a trade licence, the only thing that has happened is that the company has been incorporated initially by people in the Employment Service and then passed on to somebody else – presumably to the people who have signed that, or to somebody else, I do not know. But certainly, the original question was how many people do they employ and give a breakdown. The answer is, they employ nobody.

1615 **Construction industry  
Health and safety induction courses**

**Clerk:** Question 651, the Hon. J J Netto.

1620 **Hon. J J Netto:** Mr Speaker, further to the supplementary answer given by the Minister for Health & Safety to Question 485/2013, line 2,660 of *Hansard*, can the Minister please provide the following (a) the total number of trainees that have had an induction course in health and safety within the construction industry, broken down by the various disciplines and grades; (b) the date on which such induction was provided; (c) the name of the training providers that carried out the induction of the trainees; and (d) provide details of the issues covered in the induction?

1625 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1630 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, 118 trainees attended the induction course on health and safety. These are classified as trainee construction operatives without further breakdown by discipline or grade. The training was delivered over several days in October and November 2012. It was provided by suitably experienced staff members from the Department and the topics covered were as follows: Asbestos at Work; Accident Prevention; Working at Height; Personal Protection Equipment/Respiratory Protection Equipment; Provisions and Use of Work Equipment; Safety Signs; Manual Handling; Noise at Work; First Aid; Hazardous Substances and ill effects; Electricity; Chemical Dust, Fumes and Fire.

1635  
1640 **Hon. J J Netto:** Mr Speaker, can I ask, for the sake of clarification, because I think the Minister said that the induction courses were delivered by members of the Department – I think those were his exact words – does he mean by that the Factory Inspectors themselves, who prepare the induction courses?

**Hon. J J Bossano:** No, these are the people that are involved in the recruitment and the monitoring of construction trainees and in some cases, they have got qualifications in health and safety and in other cases, have got long experience of the construction industry. But they are all public servants.

1645 **Hon. J J Netto:** Presumably public servants working for the Department of Employment. Is that correct?

1650 **Hon. J J Bossano:** Well, working, for example one of the individuals was previously in the Construction Training Centre as an assessor. Others have been people who have been in the Housing Works Agency, with a long history of working in the construction industry, and they are all working in the management and running of the Construction Training Company and the Construction Training Programme, so they are people that are directly involved with 118 trainees.

1655 **Hon. J J Netto:** Can I further ask the Hon. Minister, because he said that these induction courses were provided, if I am correct, in October/November 2012. Is there any sort of planning of these particular courses for future trainees to have the same induction course as well? I do not know whether during 2013 obviously there have not been any whatsoever, but whether there are any planned for the immediate future?

1660 **Hon. J J Bossano:** In the next month we are going to be introducing, for the next intake of people into the industry, some – I have not yet identified the level but there are going to be some provisions of training for literacy and numeracy, because the people in the Construction Training Centre have asked me whether we can do something in that area before they get there, and therefore if at the same time as we are doing that, we will be including induction training on health and safety. So that they do at Bleak House, health and safety, numeracy and literacy courses, before they start in the industry and in the training centre.

1670 **Health and safety statistics  
September-October 2013**

**Clerk:** Question 652, the Hon. J J Netto.

1675 **Hon. J J Netto:** Mr Speaker, given that the health and safety statistics on the Government website have not been updated since August 2013, can the Minister for Health and Safety provide Parliament with all copies of such data for the months of September and October 2013?

1680 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I am informed that the September data was not updated earlier because of computer problems, but is now on the site. I am nonetheless providing the hon. Member with the information he requests. The October figures will be available sometime in November.

Table HS.1

Monitoring Activities, 2013

Industry Sector	September							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	-	5	2	7	6	-	15	35
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	1	-	-	-	-	-	1
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	1	-	-	-	1
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	1	-	-	-	-	-	-	1
Sea Transport Related	2	-	-	-	1	-	-	3
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
<b>Total</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>8</b>	<b>7</b>	<b>-</b>	<b>15</b>	<b>41</b>

Updated 8 October 2013

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

Industry Sector	August							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	3	4	3	9	5	-	7	31
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	6	-	-	-	-	-	-	6
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	1	-	-	-	-	-	1
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	1	-	-	-
Wholesale Trade	-	1	-	1	1	-	-	3
<b>Total</b>	<b>9</b>	<b>6</b>	<b>3</b>	<b>10</b>	<b>6</b>	<b>-</b>	<b>7</b>	<b>41</b>

Updated 7 September 2013

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

Industry Sector	July							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	1	1	-	-	2
Construction	-	3	1	8	9	-	5	26
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	1	-	-	-	-	-	1
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	3	-	-	-	-	-	-	3
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	1	-	-	-	1
Retail Trade	-	-	1	-	-	-	-	1
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	1	-	-	-	-	-	1
Sea Transport Related	1	-	-	-	1	-	-	2
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	1	-	-	1
<b>Total</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>10</b>	<b>12</b>	<b>-</b>	<b>5</b>	<b>38</b>

Updated 19 August 2013

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

Industry Sector	June							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	1	-	-	-	1
Construction	1	4	2	11	2	1	4	25
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	1	-	-	-	-	-	1
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	3	-	-	-	-	-	-	3
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	2	1	-	-	3
Retail Trade	-	1	-	1	-	-	-	2
Road Transport Related	-	-	-	2	2	-	-	4
Sanitary Services	-	-	-	1	-	-	-	1
Sea Transport Related	2	-	-	3	1	1	-	7
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	2	-	-	-	2
<b>Total</b>	<b>6</b>	<b>6</b>	<b>2</b>	<b>23</b>	<b>6</b>	<b>2</b>	<b>4</b>	<b>49</b>

Updated 2 July 2013

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

Industry Sector	May							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	1	-	-	-	-	-	1
Construction	1	9	4	18	5	-	3	40
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	1	-	-	-	-	-	1
Manufacture	-	1	-	-	-	-	-	1
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	4	-	-	-	-	-	-	4
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	1	1	-	-	2
Retail Trade	1	-	-	-	-	-	-	1
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	1	-	-	-	1	-	-	2
Shipbuilding/Marine Repairs	-	1	1	2	1	-	-	5
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
<b>Total</b>	<b>7</b>	<b>13</b>	<b>5</b>	<b>21</b>	<b>8</b>	<b>-</b>	<b>3</b>	<b>57</b>

Updated 1 June 2013

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

Industry Sector	April							
	Meetings	Advice	Complaints	Inspections	Follow ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	2	6	1	11	2	-	1	34
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	1	-	-	-	-	-	1
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	2	-	-	-	-	-	-	4
Repairs Consumer Goods	-	-	-	1	1	-	-	2
Restaurants, Bar etc	-	-	-	3	-	-	-	3
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	1	-	-	-	-	-	-	1
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
<b>Total</b>	<b>8</b>	<b>7</b>	<b>1</b>	<b>15</b>	<b>3</b>	<b>-</b>	<b>12</b>	<b>46</b>

Updated 8 May 2013

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

GIBRALTAR PARLIAMENT, TUESDAY, 29TH OCTOBER 2013

Industry Sector	March							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	1	6	1	10	2	-	-	20
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	1	-	-	2	1	-	-	4
Police, Security, Fire Services	-	-	1	-	-	-	-	1
Post & Communications	-	1	-	1	-	-	-	2
Public Admin & Natl Defence	3	1	-	-	-	-	-	4
Repairs Consumer Goods	-	1	-	-	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
<b>Total</b>	<b>5</b>	<b>9</b>	<b>2</b>	<b>13</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>32</b>

Updated 2 April 2013

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

Industry Sector	February							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	1	11	2	40	3	-	-	57
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	1	-	-	-	1
Manufacture	-	-	-	1	-	-	-	1
Medical & Health Services	1	-	-	1	-	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	4	1	-	-	-	-	-	5
Repairs Consumer Goods	-	-	-	1	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	1	-	2	-	-	3
Road Transport Related	-	-	-	-	2	-	-	2
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	1	-	-	-	-	-	-	1
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
<b>Total</b>	<b>7</b>	<b>12</b>	<b>3</b>	<b>44</b>	<b>7</b>	<b>-</b>	<b>-</b>	<b>73</b>

Updated 4 March 2013

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

Industry Sector	January							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	3	1	-	-	4
Construction	1	10	1	29	2	-	-	34
Education	-	-	-	1	-	-	-	1
Electricity Supply/Related	-	-	-	2	-	-	-	2
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	2	-	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	1	-	-	-	1
Public Admin & Natl Defence	3	-	-	-	1	-	-	4
Repairs Consumer Goods	1	-	1	-	-	-	-	2
Restaurants, Bar etc	-	-	-	3	-	-	-	3
Retail Trade	-	-	-	10	1	-	-	11
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	1	-	-	-	1
Sea Transport Related	2	-	-	-	-	-	-	2
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	1	-	-	-	-	-	-	1
<b>Total</b>	<b>11</b>	<b>11</b>	<b>2</b>	<b>43</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>72</b>

Updated 17 February 2013

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

Table HS.2

Occupational Reportable Accidents, 2013

Industry Sector	July			August			September		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-
Construction	1	-	-	-	-	-	2	-	-
Education	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	1	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	1	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	1	1	-	-	-	-	-	-	-
Water Supply/Related	1	-	-	2	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>3</b>	<b>2</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>-</b>

Updated 8 October 2013

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

Industry Sector	January			February			March			April			May			June		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Construction	4	-	-	4	-	-	2	1	-	2	-	-	2	-	-	4	3	-
Education	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Wholesale Trade	-	-	-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-
<b>Total</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>6</b>	<b>-</b>	<b>-</b>	<b>5</b>	<b>3</b>	<b>-</b>

Updated 2 July 2013

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

Table HS.3

Enforcement Activities, 2013

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

Updated 8 October 2013

Note:

PN: Prohibition Notices Served

IM: Improvement Notices Served

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

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

Updated 2 July 2013

Note:

PN: Prohibition Notices Served

IM: Improvement Notices Served

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





Table HS 4

Number of times legal advice has been sought during the month in relation to the number of inspections conducted, 2013

As at	Advice
January 2013	-
February 2013	-
March 2013	-
April 2013	-
May 2013	-
June 2013	-
July 2013	-
August 2013	-
September 2013	-
<b>Total</b>	

Updated 8 October 2013

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

1685 **Mr Speaker:** This schedule is very, very lengthy. May I suggest that we carry on with the next question and the hon. Member can come back to the schedule –

**Hon. J J Netto:** Well, there is –

1690 **Mr Speaker:** It is a very lengthy schedule indeed, I have a copy of it here –

**Hon. J J Netto:** Yes, okay but –

1695 **Mr Speaker:** I think we need to proceed to the next question and we can come back.

**Hon. J J Netto:** If I may. Well, but the thing is there are some supplementary questions which I can ask in relation to the September figures, because those are the ones that he already said that are on the website and I have had the opportunity to see this particular morning.

1700 So arising from the figures, even though I do not have a schedule, I have got some questions I would like to ask if it is possible. But can I also say, Mr Speaker, that the whole idea of providing these statistics by the Government was to be able to be provided in good time, certainly so that I did not have to get up on my feet and ask the questions on basic statistics. I am only asking the question because the statistics on the Government website have not been provided.

1705 Even as we are, towards the end of October, we still do not have the figures for October at all. This places the Opposition in a position of not being able to keep track of what exactly is happening in this particular important field, and the Minister has not given an answer as to why the reason for the delay, which I obviously would like when he gets up on his feet and provides such an answer.

1710 But can I ask him in relation to the Prohibition Notice that has been issued in the construction industry, although I see the reasons why the issue has been, the notice has been issued, can the Minister tell me whether the notice now has been lifted or whether the notice itself is still there, because the employer on site has not undertaken the kind of issues that the Factory Inspectors placed on the Prohibition Notice?

1715 **Hon. J J Bossano:** Well Mr Speaker, I do not have the information, other than the information that he asks, which was why this information was not already on the site. The information that I have given him now, shows that there was one Prohibition Notice given in the construction, but I do not have the details of what was the nature of the offence, or when it was given. That is what happened in September, one Prohibition was issued, I will find out what it is and let him know what it was.

1720 The previous one dates back to January, so there was one case in January and one case in September. It is clearly not something that happens very often.

1725 **Hon. J J Netto:** Mr Speaker, I am not asking the Minister for the details, I can see the details on the website. What I am asking him is that given that a Prohibition Notice has been issued, which by definition is a serious matter that the Factory Inspector has found on site, I am asking the Minister whether he is aware that the employer on site has not complied with the demands by the Factory Inspector in the notice. Is he aware that the site has now returned to normality and that work is undergoing or perhaps the site is still stopped as a result of the notice?

1730 **Hon. J J Bossano:** Well, Mr Speaker, if the hon. Member had asked me specifically, could I ask the Inspector what was the result of the Prohibition Notice, I would have asked and told him. The question that he has put to me is, given that the data is not on the site, can I provide him now with the information of the data that would have been on the site, had it been put on the site, and that is what I have provided him with. I have provided him with the data which would have been on the site, had there not been a problem with the computer.

1735 His other grievance is that he has difficulty in keeping up to date with the information for the month of October because it is not ready before the month of October is finished. That is not trying to keep up to date, that is trying to see the future. The information at the end of October cannot be provided until after the Inspectors have looked at all the work they have done in October and started producing a report which they then put on the web page in November, which is what I have told him is supposed to happen, because that is what they tell me is the normal procedure. They put the information up the month after, for example the data for September was updated in the first week of October. The data for October will be updated on 1st November.

1740 Therefore, all I can tell him is that if he wants now more information as to what has been the response of this one particular incident of a Prohibition Notice, I will seek the information and provide it to him, but it was not something that had been provided for me in response to his original question, which is not heading in that direction. It is just asking for what would have been on the site had there not been a computer problem, and the answer is, he has got it now.

1750 **Hon. J J Netto:** Certainly, Mr Speaker, it is not my intention to engage him in a particular debate because this is a question and answer session. But let me just, for the sake of accuracy inform him, that the Government statistics have always been the month before the Notice for Questions to Parliament has been done, in order for the Opposition not necessarily having to put the questions forward. So really, the figures for the October month should have been at the beginning of October, then my question would not have arisen in the first place, and I would not have had to ask the question on statistics for October.

1755 Be that as it may, Mr Speaker, this is not for debate. All I am saying is that if he does not know the answer to my question, which is whether the Prohibition Notice is still in place or not, and fine, he may not have the information available at the moment, can he please provide that to me in due course?

1760 **Hon. J J Bossano:** Yes, Mr Speaker, if he wants to know whether the Prohibition Notice of September is still there, or whether the matter has been put right, I will find out and let him know. I have to tell him, that I have difficulty in understanding what he claims to be the correct position, which is that before October, people put on the site what is going to happen in October before it has happened. But if he says that is how it has been done in the past, it is certainly an interesting dimension to the theory of time, which I will explore when I get back to the office.

1765

#### **Government and Gibraltar Savings Bank debentures Values and re-investments**

1770

**Clerk:** Question 654, the Hon. D A Feetham.

1775 **Hon. D A Feetham:** Mr Speaker, will the Chief Minister provide a total value of Government debentures, which since 1st May 2012 have been withdrawn or redeemed, and then re-issued or re-invested in other Government debentures?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1780 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with Questions 655, 658, 660 to 663.

**Clerk:** Question 655.

1785 **Hon. D A Feetham:** Will the Chief Minister please provide the total value of Government debentures outstanding as at 1st October 2013?

**Clerk:** Question 658.

1790 **Hon. D A Feetham:** Will the Chief Minister provide a total value of Gibraltar Savings Bank debentures or other debt security of that bank outstanding, as at 1st October 2013, giving a breakdown in respect of each issue outstanding?

**Clerk:** Question 660.

1795 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Government debentures which since 1st May 2013, have been withdrawn or redeemed, and have not been re-invested in other Government debentures or other debt security issued by the Gibraltar Savings Bank?

**Clerk:** Question 661.

1800

**Hon. D A Feetham:** Will the Chief Minister provide a total value of Government debentures which, since 1st May 2013, have been withdrawn or redeemed, and then re-issued or re-invested in debentures or other debt security issued by the Gibraltar Savings Bank?

1805

**Clerk:** Question 662.

**Hon. D A Feetham:** Will the Chief Minister provide a breakdown showing how the proceeds from Gibraltar Savings Bank debentures or other debt security outstanding as at 1st October 2013, is invested, or has been used, by the Gibraltar Savings Bank?

1810

**Clerk:** Question 663.

**Hon. D A Feetham:** Will the Chief Minister please state, out of the total value of Gibraltar Savings Bank debentures, or other debt security outstanding, as at 11th December 2011 and 1st October 2013, how much was and is held by (a) residents of Gibraltar, (b) non-residents, (c) companies or partnerships and (d) individuals?

1815

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1820

**Hon. J J Bossano:** Mr Speaker, figures for August have not yet been finalised by the Treasury, therefore where applicable, they will reflect tentative figures.

From 1st May to 31st August, the total value of Government debentures redeemed was £9.1 million. £5.1 million was re-invested in other debt securities of the Gibraltar Savings Bank. There were no sales of Government debentures; £4 million was paid out in cash.

1825

As at 31st August, £260.7 million of Government debentures was outstanding. The total value of savings placed in the bank in bonds, debentures and other accounts, is currently almost £812 million, broken down as follows:

1830	Monthly Income Debentures	£7,822,900
	Pensioners' Monthly Income Debentures	£5,287,300
	Monthly Income Debentures Issue (Jan 2012)	£7,530,100
	3 Year Fixed-Term Monthly Income Debentures 2015	£11,038,000
	3 Year Fixed-Term Monthly Income Debentures 2016	£12,401,500
	5 Year Fixed-Term Monthly Income Debentures 2017	£85,397,900
1835	5 Year Fixed-Term Monthly Income Debentures 2018	£130,277,100
	Limited issue of Fixed Monthly Income Debenture 31/12/13	£4,331,300
	Limited issue of Fixed Monthly Income Debenture 31/12/15	£33,150,200
	10 Year Fixed-Term Monthly Income Senior Citizens Debentures 1/7/23	£1,128,600
	Other Special Debenture Issues at 2%	£2,379,245
1840	10 Year Accumulator Bonds 2012	£4,965,000
	10 Year Accumulator Bond 1/1/13	£2,754,600
	10 Year Monthly Income Pensioner Accumulator Bonds 2012	£3,915,500
	10 Year Monthly Income Pensioner Accumulator Bond 1/1/13	£1,905,000
1845	Children's Bond Account	£64,030
	8% Provident Trust Fund Bonds	£8,409,652
	Guaranteed Superannuation Fund Bonds	£46,679,234
	Other Bonds	£14,624
1850	Ordinary Deposits and Investment Call Accounts	£442,313,396

The figures continue to be under 1% for companies and under 1% for non-residents. The figures for December 2011 are not expected to be any higher than these percentages, but this has still not been finalised as they have been done manually, and it is a lengthy exercise.

1855

The list of investments of the Savings Bank as at the close of the financial year, subject to audit, is contained in the schedule which I now hand over to the hon. Member.

ANSWER TO QUESTION 663

SAVINGS BANK FUND

STATEMENT OF INVESTMENTS ON 31 MARCH 2013

SHOWING MARKET VALUE ON THAT DATE

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31 3 13
EIB FLOATING RATE NOTE 30/01/14	£20,000,000.00	100.013 0.096	£20,002,668.20 £19,109.59	£20,021,777.79
EIB FLOATING RATE NOTE 19/02/2015	£20,000,000.00	100.017 0.087	£20,003,386.40 £13,369.86	£20,016,756.26
EIB FLOATING RATE NOTE 05/01/15	£25,000,000.00	99.943 0.133	£24,985,790.50 £33,185.79	£25,018,976.29
INTERNATIONAL BK RECON & DEV FRN 19/01/15	£4,235,000.00	100.005 0.105	£4,235,192.27 £4,428.19	£4,239,620.46
DEXIA CREDIT LOCAL FRN 01/04/14	£12,000,000.00	99.759 0.221	£11,971,125.36 £26,472.33	£11,997,597.69
FMS WERTMANAGEMENT FRN 16/06/14	£10,000,000.00	100.082 0.026	£10,008,224.70 £2,624.50	£10,010,849.20
CAISSE D'AMORT DETTE SOC FRN 30/06/14	£10,000,000.00	100.000 0.006	£10,000,000.00 £622.09	£10,000,622.09
KFW FRN 09/03/15	£17,000,000.00	99.935 0.033	£16,988,873.67 £5,653.13	£16,994,526.80
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.065 0.052	£5,003,247.00 £2,599.51	£5,005,846.51
ROYAL BANK OF SCOTLAND GBP CALL A/C	£46,725,761.46	100.000 0.005	£46,725,761.46 £2,112.26	£46,727,873.72
CROWN AGENTS BANK	£659.91	100.000	£659.91	£659.91
BARCLAYS BANK PLC	£105,759,351.80	100.000 0.048	£105,759,357.80 £50,995.46	£105,810,353.26
NATIONAL WESTMINSTER OFFSHORE LTD	£36,471,666.60	100.000 0.003	£36,471,666.50 978.78	£36,472,645.28
GIBRALTAR INVESTMENT (HOLDINGS) LTD FIXED RATE NOTE 02/04/12	£288,552,610.17	100.000	£288,552,610.17	£288,552,610.17
	£600,748,055.84		£600,873,713.43	£600,873,713.43

ANSWER TO QUESTION 663

SAVINGS BANK FUND  
STATEMENT OF INVESTMENTS ON 31 AUGUST 2013  
SHOWING MARKET VALUE ON THAT DATE

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31 8 13
EIB FLOATING RATE NOTE 30/01/14	£20,000,000.00	100.007 0.061	£20,001,460.20 £10,144.61	£20,011,594.81
EIB FLOATING RATE NOTE 19/02/15	£20,000,000.00	100.013 0.020	£20,002,666.60 £4,034.37	£20,006,700.97
EIB FLOATING RATE NOTE 05/01/15	£25,000,000.00	99.952 0.090	£24,987,876.50 £22,595.03	£25,010,473.53
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.004 0.066	£4,235,163.89 £2,795.19	£4,237,959.08
DEXIA CREDIT LOCAL FRN 01/04/14	£12,000,000.00	99.852 0.152	£11,982,253.32 £18,257.48	£12,000,510.80
FMS WERTMANAGEMENT FRN 16/06/14	£10,000,000.00	100.056 0.152	£10,005,558.70 £15,174.66	£10,020,733.36
CAISSE D'AMORT DETTE SOC FRN 30/06/14	£10,000,000.00	100.000 0.133	£10,000,000.00 £13,332.69	£10,013,332.69
KFW FRN 09/03/15	£17,000,000.00	99.942 0.136	£16,990,180.63 £23,134.67	£17,013,315.30
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.056 0.006	£5,002,791.65 £308.90	£5,003,100.55
CREDIT FINANCE COMPANY LTD - FRN	£9,842,242.76	100.000	£9,842,242.76	£9,842,242.76
CREDIT FINANCE COMPANY LTD - REDEMAAGLIF PREFERRED SHARES	£334,974,900.00	100.000	£334,974,900.00	£334,974,900.00
GoG MONTHLY INCOME DEBENTURES 8%	£100,000,000.00	100.000	£100,000,000.00	£100,000,000.00
ROYAL BANK OF SCOTLAND GBP CALL AC	£43,033,303.47	100.000 0.001	£43,033,303.47 £471.60	£43,033,775.07
CROWN AGENTS BANK	£19.09	100.000	£19.09	£19.09
BANCLAYS BANK PLC	£140,068,024.62	100.000	£140,068,024.62	£140,068,024.62
NATIONAL WESTMINSTER OFFSHORE LTD	£45,747,546.68	100.000	£45,747,546.68	£45,747,546.68
BANK OF ENGLAND	£22,308,636.48	100.000	£22,308,636.48	£22,308,636.48
	£819,207,673.10		£819,290,865.79	£819,290,865.79

**Mr Speaker:** Do Members of the Opposition have any supplementaries?

1860 **Hon. D A Feetham:** Just starting with Question 663 and his very lengthy answer. I did not quite catch the answer that he has provided to this particular question, which is the question about how much is actually held by (a) residents of Gibraltar, (b) non-residents, (c) companies or partnerships, (d) individuals, as at 11th December and at 1st October. I know that he has provided me with a percentage and he has provided me with a percentage in the past, but not the specific answer to this question.

1865 **Hon. J J Bossano:** Well, Mr Speaker, if I am telling him that there is £800 million, and I am telling him that under 1% is held by non-residents, all of whom are individuals, I am giving him, what I am telling him is, that there is no difference, that the money that has flowed in has not changed the ratios between residents and non-residents and companies and individuals, of the answer that I gave him before, when he asked me the last time.

1870 And, what I am telling him is, that we do not expect that the December 2011 figure will show more people from outside, which is presumably what the question is about. I mean if anything, if it is under 1% in terms of the volume of money, then obviously the figure, the exercise is being done because we cannot tell him what it was in December 2011 at least that is the information that I have got. Right!

1875 But what I can tell him is, that there is no reason to suppose that there was a different percentage, because in fact if there was a different percentage, it would probably mean because the amount of money was then less, so if there was for example – I cannot remember how much it was, but let us say there was

1880 something like £300 million in December 2011, there might have been perhaps say £30 million out of the £300 million which would be 10%, since now there is much more money and most of that money, if not all, seems to be people that are re-investing savings that have matured in UK bonds or in other accounts, where the interest rate might have been comparable to Gibraltar five or ten years ago, but is no longer the case. So, there are quite a lot of residents and quite a lot of companies that have got cash to spare who are putting it, most of the companies put it in short term money, seven days money.

1885 Since the growth has been predominantly in that area, we expect that if there has been a decline in the percentage from outside, it is not because there are less people with money from outside, but because there is more people with money from within, from the residents. So the share is smaller because in fact the growth has been in the domestic market. The growth eventually, presumably, we will exhaust the domestic market and then future growth may come if it continues to be from outside, but this is not yet happening.

1890 **Hon. D A Feetham:** Mr Speaker, the last time that I asked this question, this is the reason why I split it up between 11th December and 1st October. When I asked about this on 23rd May, he answered in this way it is *Hansard*, line 1875, page 33, Thursday 23rd May:

1895 'The information detailing the value of Debentures or securities of the Gibraltar Savings Bank held by residents, non-residents, individuals and companies for 11th December is not readily available and may take some time to compile from the manual examination of each individual account – it is not held in electronic form – so I will *provide* to the Member when the exercise is completed'.

That is what he told me, there was an exercise and he would provide me with information.

1900 Now, of course, this quite some time ago, May 2013. Can he confirm that that exercise has been completed, because from the answer that he has provided, it does not appear that he has actually undertaken the exercise, he is really being told, 'Well, you know, we cannot really get this information.'

1905 **Hon. J J Bossano:** No, Mr Speaker, I have not. If I had been told, 'Well, no, really we cannot get this information,' I would have told him, 'Well, no, they cannot get this information.' The information that I have been given is the information that I am giving him. In fact, I have answered that question, because I have told him that the exercise is still not completed. That is what they tell me. I suppose it is not at the top of their priority. Frankly, it is an exercise that we expect to show no difference.

1910 The people are telling me, look, when we finish this exercise, the likely result will be that the different percentages are going to be the same in 2011 as they are now. If they are not the same, the anticipation is that if they are not the same, it will only be because the amount of money which has not changed very much since then of outside investors, will be more or less the same in money terms, but higher in percentage terms, because the total was lower.

1915 That is the new information that I have provided to him. I regret to say that if each individual account has got to be assessed, which is what they have told me and what I answered to him the last time, I am telling him it is still not complete, I am still asking them to complete it so that I can give him the information, the new information that I have got is that the expectation presumably from the amount of work that has already been done, is that the result is likely to be that if it is not 1% it is 1.5% or something like that, but it is very close to the figure.

1920 But in any event, in terms of providing more information, any change of the percentage, the percentage may be declining, but not because there are people taking money out, but because the money that is coming in, is coming in from what is still the predominant source, the 99% which is Gibraltar residents. So Gibraltar residents are still putting money in and the money from outside is not going up to the same extent, then the share of the money that is declining, which is the non-resident money, is declining in relative terms, but not in absolute terms.

1925 **Hon. D A Feetham:** I understand all that, but can he give me just a timeframe when he believes this information might be available. It is important to me, that is why I am asking the question. I asked it in May, it is now October. Can he give me a timeframe when this exercise might be completed?

1930 **Hon. J J Bossano:** No, but what I can do is ask and write to the hon. Member and tell him the answer I get.

1935 **Hon. D A Feetham:** Mr Speaker, from the schedule that he has provided me; there is £334 million, nearly £335 million, in redeemable preference shares that have been invested in Credit Finance Company Limited. There is also a further investment of nearly £10 million, £9.8 million in Credit Finance Company Limited. Now, can he tell me who, on the Government side, approved that investment by the Gibraltar Savings Bank into Credit Finance Company Limited?

1940 **Hon. J J Bossano:** Well, it was approved by the person the law says has to approve it.

**Hon. D A Feetham:** With respect, that is a slightly evasive answer. It is a question of fact. Who approved the decision to invest what is an extremely sizeable amount of money of Gibraltar savers into Credit Finance Company Limited. Who approved it on the Government side? That is the question. If nobody approved it, nobody approved it, but who approved it?

1945 **Hon. J J Bossano:** Mr Speaker, the same person that approved every single other investment on that list, who is the same person who was approving all the investments on the Savings Bank before 9th December 2011.

1950 **Hon. D A Feetham:** Mr Speaker, again, did anybody...? I will ask, maybe if it helps the hon. Gentleman, I will ask a slightly different supplementary. Did anybody, on the Government side, approve the investment of, effectively, £344 million of savers' money from the Gibraltar Savings Bank into Credit Finance Company Limited?

1955 **Hon. J J Bossano:** Well, Mr Speaker, each time that the hon. Member has asked the question, he seems to say on the Government side, as if it was possible for somebody on the Opposition side to do the approving. The answer is it has not been approved or disapproved by any Minister, if that is what the question is. *(Interjection)* The question is not... It has been approved by the official that was there before 9th December 2011, who approved all the investments of the Savings Bank before and continues to approve them today, the same person.

1960 **Hon. D A Feetham:** Well, Mr Speaker, I find that answer surprising, and I have to say that the Government perhaps ought to, as a matter of extreme haste, when this session finishes, go to the Attorney General's Chambers, and ask urgently for advice as to whether the Government, whether this payment from the Gibraltar Savings Bank to Credit Finance Company Limited is *ultra vires*, because I will read an amendment to the Gibraltar Savings Bank Act, which the Hon. the Chief Minister brought to this House in March of last year, and it says this:

1965 *'The monies from the issue of bonds and debentures shall, as far as practicable, be invested on behalf of the Gibraltar Savings Bank, under the direction of the Financial Secretary in such securities or be employed at interest in such a manner as shall be approved from time to time by the Government.'*

1970 It has got to be approved by the Government. *This particular investment has got to be approved by the Government.* So does he not agree with me that effectively, what we have is an *unlawful transfer of £344 million to Credit Finance Company Limited?*

1975 **Several Members:** Hear, hear. *(Interjection)*

**Hon. J J Bossano:** Well, Mr Speaker, if what the hon. Member is saying, that before 9th December a Member of the then Government was taking the decisions on the investments, then I can tell him that that is not how the law has been interpreted since.

1980 Presumably, since he is asking the question about what was happening with the Savings Bank and what was the correct interpretation, I assume, that when he was in Government, he or one of his colleagues was taking the decisions on the investment of the Savings Bank and that therefore he is saying that that is happening now.

1985 **Hon. D A Feetham:** No, Mr Speaker.

**Hon. P R Caruana:** Well Mr Speaker, based on what the previous Chief Minister used to do when he was in office, can I ask the hon. Member to say whether he agrees with me, that it would be quite extraordinary for any official, even one as senior as the Financial and Development Secretary, should of his own initiative, decide to lend almost the entirety of Gibraltar savers money, to a Government-owned company?

1990 Because I can tell him that the Financial Secretary would not have contemplated making any such decision of his own initiative *(Laughter)* when I was Chief Minister. Would he agree with me, that it would be odd for a Financial Secretary to choose to lend this huge sum of taxpayers' money, almost all of it of savers' money, to a Government-owned company?

1995 **Hon. J J Bossano:** Well, Mr Speaker, clearly the numbers have never been the forte of the hon. Member when he was in Government, and it is still not the forte when he is in Opposition. Because in fact, he keeps on talking about savers' money and, clearly, ignores that the Government's share of the

deposits in the Savings Bank are greater than the amount that he is referring to. Or has he not latched on to that particular point?

2005 If the hon. Member looks at the breakdown that I have given of the deposit, the on-call deposits exceeds the amount invested in shares of the Credit Finance Company. Although he talks about lending money, in fact it is not lending money; it is buying equity of the company. These are preference shares which have maturities of different dates, and the Savings Bank is investing a proportion of its £800 million in those shares, and the amount of Government deposits in the Savings Bank exceeds the amount deposited.

2010 So therefore either he has not realised that point, because he chooses to say, 'Look, this bit has come from this group of depositors as opposed to another group of depositors.' Well, that is not the case. Out of the £800 million, £200 million-odd are invested in the equity of a company that is 100% owned.

2015 **Hon. P R Caruana:** Well, Mr Speaker, the hon. Member might think that he can dispose questions from Members of the Opposition on the basis of pretending that none of us know what we are talking about, and only he knows what he is talking about. He can try that with everybody else if he wants to, it is not going to impress me.

2020 As he well knows, I have been Chief Minister of this community through some of its most prosperous times, for 16 years (*Banging on desks*) and I do not need lectures from him about numbers or economics, given that the last time that he was in Government, he almost brought Gibraltar to its knees. (*Banging on desks*)

2025 So, Mr Speaker, is the hon. Member saying that of the funds...? I mean, he can draw distinctions. I mean, if he really wants, I can watch every word of the debate, but I thought I was debating with somebody who understood that we were dealing in broad concepts. If he focuses on the difference between a loan and an equity investment, I would say to him that the position is even worse, because at least a loan is recoverable from assets and equity investment is the first thing that is lost, because you are a shareholder, you are not even a lender to the Gibraltar company.

2030 But that is not the point that I was focusing on. The point that I was focusing on is this: does his answer mean that all the money – obviously applying gross and net values – that the total of Government-owned monies, Government beneficial monies, money that the Government would be free to spend if it wanted to and it had it in its own back pocket, applied netted off against the amount of money that has been invested in redeemable preference shares in this Government-owned company, plus the £100 million invested in Government debentures, that the former exceeds the latter?

2035 So that there is no question of any other depositor's money, other than the Government as a depositor, being somehow invested to Credit Finance Company through redeemable preference shares or lent to the Government through Government monthly debentures? Is that the purport of his answer?

2040 **Hon. J J Bossano:** Well, Mr Speaker, first can I remind him that if I question his numeracy, that is nothing to the way he treated my attempts at persuading him that many of his figures were inaccurate, when he used to call me an economic illiterate and a lot of other endearing epitaphs that he used to hurl across the floor of the House. So really I am very, very mild to him in comparison with the way he used to deal with my questions.

2045 Secondly, it is a matter of judgement whether he left this place in a better state than he inherited it, but I certainly left it with more than £3 million of useable cash in 1996, (**A Member:** Hear, hear.) including £60 million in Community Care which he chose to run down to nothing, because he claimed in an interview in the *Chronicle* that he was going to replace Community Care with a superior scheme which he keeps secret and which he intends to take to his grave with him, even though it was of such benefit to pensioners. (**Several Members:** Hear, hear.) So we can spend time digging up the past and there are plenty of things that we can remind each other of.

2050 The point that I am making is not that there is a policy directive that only Government deposits will be used to invest; it is that it just so happens that at this particular point in time, the number shows that you cannot say you have used the savers' money. Look, the savers' money is predominantly locked in for five years. All the maturities of everything that is invested, as required by the amendment that was made, must have maturities which are equal to or shorter than, the dates when they have to be repaid.

2055 So the answer is, Mr Speaker, that I am not saying that this is the rule. I am saying that this happens to be the way numerically it pans out at the moment. But in any event, the Savings Bank will invest the money in the way that enables it to operate profitably which is presumably what we all want, and with the confidence that the money is safe in the investment that is being made, and the people that are employed to do that exercise, are discharging that duty.

2060 **Hon. D A Feetham:** Well, Mr Speaker, I have to say that I am none the wiser in relation to my original point (*Interjection*) as to who on the Government side – indeed and so is the hon. the former



Chief Minister, now a backbencher – actually took the decision to approve what is a very sizeable investment?

2065 You see, it is not a proper answer to just simply say, ‘Hang on a minute, because some of this money may not be savers’ money.’ If some of it is savers’ money, it is caught by section 11(d) and indeed section 11(c), which is about monies in investment accounts, also provides for the same mechanism. In other words, even if we were talking about monies that the Government had invested, is done on the direction of the Financial Secretary, but the approval comes from the Government.

2070 Let me remind the hon. Gentleman, that when the Hon. the Chief Minister came to this House with the amendments to the Gibraltar Savings Act, he said that there was a dual lock mechanism. Financial Secretary approved by the Government. Now, I think it is extraordinary that the hon. Gentleman cannot provide me with a straight answer, as to whom, on those Government benches (*Banging on desks*) actually approved the decision to invest in this company.

2075 **Hon. J J Bossano:** Well, Mr Speaker, the policy of the Government is reflected in the spread of investments and not in any particular one. Each individual investment does not require ministerial approval. If it did before 9th December, then that policy is no longer being applied.

2080 **Hon. P R Caruana:** Mr Speaker, I think I have correctly understood the Hon. the Leader of the Opposition, even when subtracting all the sort of waffle from his answer, (**Hon. Chief Minister:** Absolutely right!) I think the effect (*Banging on desks*) – (**Members:** Hear, hear!)

2085 **Mr Speaker:** Order! Order!

**A Member:** Minister for Employment.

2090 **Hon. P R Caruana:** Yes, I think most people understood me to mean the Minister for Employment. (*Laughter and interjections*) But still little things amuse little minds. I am perfectly happy to keep them entertained!

**A Member:** We know what you meant.

2095 **Hon. P R Caruana:** You know what I meant. The grown-ups amongst you know what I meant! (*Laughter*)

I think I understood the Hon. the Minister for Employment and many other things by the looks of it, to have said that as we speak, it just happens at this point in time, that in fact, it is not possible to say that there are depositors’ money, savers’ money, other savers’ money in these figures, because of the interpretation of the difference between the depositors and the investments.

2100 If that is true, given that there are between the sums invested in the Government monthly debentures and the redeemable preference shares in this Government-owned company, a total of £434 million, nearly £435 million, presumably he is not saying that the Government, whom he has just said was left in mere penury by me, had £440 million of its own pounds to put in these companies in this way.

2105 So if it was not the Government’s money, because he claims we left the Government with no money, whose money is the £444 million? From what source had that money been raised? If it was not the Government money, because the Government did not have money, and he is telling me on the other hand that it is Government money and not other savers’ money, can he explain to me the composition of the £442 million? I think my colleague, Mr Figueras, has taken down the number correctly from his oral answer, £442 million ordinary deposits? Can he just give me please a breakdown, if he has it, if not at a later date, of the composition of those ordinary deposits?

2110 **Hon. J J Bossano:** Mr Speaker, the figure that I have given the hon. Member is on 31st August 2013. He may think he was still in Government on 30th August 2013, but in fact he was not. There was not this money on 9th December 2011. Surely he knows that, he must know how much money there was in 2011 and it is not this money. So I do not see why he expects me to say if he left no money in 2011, how come there is money now in 2013? Well, precisely, because he is not there any more.

**Chief Minister (Hon. F R Picardo):** Hear, hear.

2120 **Hon. P R Caruana:** So that is the answer to the question. So what he is saying is that since December 2011, the Government has in fact accumulated, of its own money, £442 million or at least £400 million. This is the purport of his answer to which I do not seriously hold him. Alright, so this is the balance at August 2013, which is not to be used by reference as any benchmark, to what there may or may not have been in December 2011 when we lost office. Another statement of the obvious presumably to serve as

2125 some sort of guillotine until Mr Speaker says we have spent long enough on this question and it is time to move on.

2130 But the point is, whose money is it? I am not interested on the date on which the Government got it; the Government says that there is no savers' money invested in this company, savers other than its own. Yes, that is the purport of the answer that he gave me. Given that they have invested £442 million, is this Government money, accumulated from December 2011 by way of budget surpluses or by way of whatever means, so that these are £400 odd million of Government reserves, effectively.

2135 **Hon. J J Bossano:** Well, Mr Speaker, clearly the hon. Member does not know how much money there was in 2011, because he is asking me now to say is the £440 million all money that has been accumulated since.

2140 Well, he should know that in fact there was money in 2011, but not £442 million and that the bulk of the money, could not be used given his repeated formula of gross net and net debt, and the ceiling on what could be used without breaking the limitation of the net debt not exceeding 80% of annually recurrent revenue of the preceding financial year. (**Hon. Chief Minister:** Useable cash reserve.)

2145 So the useable cash reserve that he left, as he knows, was £3 million until the beginning of the new financial year of 1st April 2013, when it became £63 million being useable. But there was money because his policy then was as he used to say that he was actually issuing debentures in order to give people the opportunity of investing at 5%, and not being able to use the money. Therefore he had a situation where he would issue £100 million of debenture, but not be able to make use of that cash and the cash was then in the consolidated fund and deposited in the Savings Bank but it was not useable. It was only useable when the annual revenue went up and enabled the ceiling to go up.

2150 So the answer to his question is, it is not the case that it has all been accumulated since; it is the case that it has increased very substantially since and that is the figures that are reflected in the published estimates of the Government in the last financial year, and in the figures that I have provided in the past as the amount at the close of the last financial year which are subject to audit.

2155 So it is true that it so happens that the amount that the Government has on deposit in the Savings Bank actually is more or less the same, or perhaps slightly more than the amount that has been invested in the preference shares of the Finance Company. But I am not saying that there is a policy directive that the money that the Government puts, has to be invested in one way and the money that other people put is invested in another way. The provisions in the Savings Bank Act say that it can be invested in any investments such that the maturities match the liabilities and that is what is happening.

2160 **Hon. P R Caruana:** Mr Speaker, the hon. Member, I can only assume, in order to continue to avoid answering my perfectly simple question, is confusing two wholly separate matters.

The fact that the Government only had x millions of pounds that it could legally spend at the time of the election, was a product of the borrowing limit which was by reference to a three-tier benchmark which had been exhausted and had to be redefined in legislation, in order to enable the Government to borrow more.

2165 How much the Government can borrow presumed to the debt ceiling, is a wholly different question as to whose money the Government is borrowing when it is able to borrow. I am not talking about how much money there was available for the Government to borrow; I am saying whose money has the Government borrowed, or invested in this debenture company?

2170 Because of course, he is absolutely right, there was... I cannot remember the exact figure, £200 million or £300 million, something like that in the Savings Bank at the time of the last Election. But it was *mainly saver's money*, and that is the point. *It was mainly savers' money*, because the amount of money that there was in there at the time of the election was broadly equal to the amount of money that the Government owed, or the Savings Bank and the Government owed savers.

2175 So, if the Government or the Savings Bank owed savers through debentures £300 million and had £300 million in the kitty, well, you do not have to be a Nobel Mathematics prize winner to know that the £300 million in the kitty are savers' money.

So the question is, if those are the monies that he has invested in these debentures, and they include the £300 million that was there at the time of the election, then he has invested savers money and the last answer that he gave me was wrong.

2180 **Hon. J J Bossano:** Well, Mr Speaker, the last answer I gave him cannot be wrong because the last answer that I gave him was that it so happens – (*Interjection*) What I have told him is that there is now not £300 million, there is now £800 million, which is £500 million more.

2185 **Hon. P R Caruana:** None of which you told me were savers' money.

**Hon. J J Bossano:** No, I did not say none of the £800 million: what I said was that –

**Hon. P R Caruana:** None of the £300 million –

2190 **Hon. J J Bossano:** What I said was, Mr Speaker, that the bulk of the Government's own deposits in the Savings Bank are in the on-call accounts, as they were before when he was there (**Hon. P R Caruana:** Correct.) and there you have £442 million, so you are still left out of the £800 million with over £300 million that is not Government money and you have a situation where the amount – (*Interjection*)

2195 **Hon. P R Caruana:** Sorry, did he say it was or it wasn't Government money?

2200 **Mr Speaker:** May I...? I think the Hon. Sir Peter Caruana may not realise that unless he presses the button and the microphone comes on, any remarks that he makes, or in fact any supplementaries whilst Mr Bossano is holding the floor, will not be recorded in the *Hansard*.

**Hon. J J Bossano:** Mr Speaker, the figure that I have given him is that, at the end of August, there was £819 million. Right! Of that £819 million, the amount in shares was £334 million or £335 million of Credit Finance. Right!

2205 So, if I tell him that the bulk of the Government's own money is in the £442 million, then I am saying to the hon. Member in fact, it is possible to say, although I am not saying that there is a policy that it should be so, and that it should [*inaudible*] in the future say, I said before that no money other than the Government money could be put, it is possible to say, well look, when you say the money in the Savings Bank that does not belong to the Government because the Government has deposited it there, is the one that is being used to invest in Credit Finance. No, you cannot say that it is or that it is not. Right!

2210 So that is the only point I have made. I have not made any other one.

2215 **Hon. P R Caruana:** That is how I understood him Mr Speaker, but implicit in that is that... I mean, I do not know what to make of his use of the word 'bulk' of the Government's money in the £442 million. I do not know if he means by that that there is part of the £442 that are not Government monies or that it means that all of those £442 million are Government monies, but they are not the only Government monies because the Government has money somewhere else as well. So I do not know exactly how to interpret him when he has used 'the bulk of the Government money', but perhaps he will clarify that to me when he gets up.

2220 But the main point is this: implicit in his answer just given to me is that the £442 million are Government monies, meaning monies that the Government is free to spend and if the Government is free to spend monies, it is free to lend them to a Government-owned company for it to spend it, if it wants to. I am not objecting to the Government channelling the expenditure of its money through its own company, if that is the route it chooses and we did much the same thing in our time.

2225 The question is, is it Government's money? Because for it to be Government's money, I need to see a breakdown of the – a question coming immediately, Mr Speaker – for it to be the Government's money, I would need to see a breakdown of the £442 million.

2230 I mean, the Government has done extraordinarily well in the last two years, if it has accumulated, in just two financial years by way of budget surpluses, £442 million that it can genuinely call its own money, as opposed to money... It wasn't there. The Government might have had pots of money, but it was not theirs to spend. Pension fund monies from the endowment funds, things like this, but those are not Government monies.

2235 Implicit in his last answer, and this is the remaining space between us, is that the £442 million in ordinary deposits, which he says balances out roughly the £335 million plus the £100 million, so that he can honestly and genuinely say that there is no savers' money invested in these companies, or have been used to buy Government bonds, that that is all Government, beneficially available to spend as it pleases, money.

2240 I am asking him, if he can tell me, what the composition of that £442 million is, so that I can test, because as far as I was aware, the Government did not have £442 million of its own money, to make it true that it had not invested somebody else's money in the way that he is now saying. For him to set off the £442 million against the investments of the Savings Bank and say, 'You see, I have not invested other people's money', it has to be true that the £442 million are Government monies and not somebody else's money. That is all I am trying to get at: how is the £442 million Government monies?

2245 **Hon. J J Bossano:** First of all, I am not saying this is only Government money that I am using and I am not using other people's money. I am saying, and I have repeatedly said, that it is not the case that there is a policy directive that only Government money should be used. I am saying that it so happens, since they are talking about savers money that it does not follow logically from the level of investments in

the Savings Bank that it has to be savers' money. It can be either savers' money or Government money or the money of everybody because the Savings Bank does not distinguish from the source.

2250 It so happens that the amount of the £442 million that is Government deposits in the Savings Bank is more. It just happens to be so at this point in time; it might not be the case in a month's time; it might not have been the case a month ago; but it happens to be that, at this moment in time, it actually exceeds the amount that the Savings Bank has invested in Credit Finance Company Limited. That is the point I am making. I think it is probably of the order of something like £390 million out of the £442 million.

2255 **Hon. P R Caruana:** Well, Mr Speaker, I am grateful to the Hon. Minister, [*technical interruption*] this is all very complicated. Mr Speaker –

2260 **Mr Speaker:** The television is still there.

**Hon. P R Caruana:** Is it! Alright, Mr Speaker. Well, I am grateful to the hon. Member for that clarification. Of course, he knows that he is speaking to somebody, because I have told him this before. It is not the end of the world for the Savings Bank to lend money to the Government for the Government to spend on public projects, because National Savings Banks do that all over Europe.

2265 The important thing is that savers should be aware that that is what the Government does, which is not to suggest that it is wrong for the Government to do it, so long as savers know that when they lend their money to the Government, to the Savings Bank by depositing it with them as savers, that that money is not just sitting there in some account in the Bank of England as cash, but that the Government, as Government's do in many other parts of Europe, is getting that money and lending it to itself, to spend on projects and on this and on that.

2270 The issue is not that it is right or wrong, it is a matter of policy and opinion, but it is not intrinsically wrong by reference to European – and American for that matter – practice. The important thing is that it represents – except to the extent that we did it accidentally in a very small amount, I think in the last year – in large amounts it represents a departure from what people have understood the position in Gibraltar to be in the past, and therefore I would ask the Government to consider simply that it should be transparent with depositors.

2275 And I am sure there will be a lot of depositors that will continue to be happy to invest with the Government, even if the Government is going to spend the money on projects. But there needs to be transparency and people need to know what he is doing.

2280 Mr Speaker, I will sit down now, just asking him by way of confirmation, if I have correctly understood his last answer to mean that the bulk, I am not sure if he mentioned a figure, I think he mentioned, all but – (**A Member:** £390 million.) £390 million, of that £442 million, £390 million is Government-owned, un-hypothecated. In other words, it is not pension fund, or it is not somebody else's money; it is Government-owned, accumulated through Government revenues and the difference between Government expenditure and Government revenue – in other words, Government-owned monies that the Government could bring an Appropriation Bill to the House tomorrow out of the Consolidated Fund to spend – of £390 million. Have I correctly...? I just do not want to be at cross purposes with him at the end of this discussion.

2290 **Hon. J J Bossano:** It is Government-owned money but I think it is highly unlikely that the Government will bring an Appropriation Bill to spend it in a month's time.

**Hon. P R Caruana:** But it is Government money?

2295 **Hon. J J Bossano:** It is absolutely true, Government money. That is correct, yes.

**Mr Speaker:** Now, are there any other supplementary questions? I will allow... Hon. Members will agree, I think, we have been three quarters of an hour on what is a very important subject, I grant them, but I do not think they can complain where time is concerned. I will allow another supplementary and then we should move on.

2300 **Hon. D A Feetham:** Yes, there were 10 or 11 questions that had been bunched into one.

2305 **Mr Speaker:** Four or five, and we have been here for over three hours for 20 questions, 25 questions.

**Hon. D A Feetham:** Yes, I am told seven questions have been bunched up.

Mr Speaker, can I return back, because really for the purposes of the line of question, my line of question, it really does not matter whether it is Government money, or it is not Government money. The legislation is quite clear, there has to be Government approval.

2310 Is really what the hon. Member is saying to me... does it amount to this: that effectively, I mean the  
Financial Secretary wakes up one morning and says, 'I am now going to be investing £344 million...' –  
because I think it is £344 million that is the latest figures from searches that we have conducted, that have  
2315 been invested in this particular company. The Financial Secretary wakes up one day and says, 'I am going  
to be investing £344 million into Credit Finance Company Limited', and it does not require a telephone  
conversation with the Minister for Finance, the Chief Minister or the Minister for Employment, seeking  
his or their approval for the investment of that particular money in this particular company?

**Hon. J J Bossano:** Well, Mr Speaker, I do not know whether it is that the Financial Secretary woke  
2320 up one morning and decided to put £22 million in the Bank of England, but whether it is £22 million in  
the Bank of England or £20 million or £40 million or £65 million in the European Investment Bank or in  
any of the others, which is the £500 million that has been otherwise invested, he has not come back  
asking for approval from a Minister of the Government.

Given the fact that in... Well, I do not see what the hon. Member finds so extraordinary. Here we  
2325 have got a situation where the bank has got £820 million, which is quite an achievement I would have  
thought, that we have that amount of money, and the Government's Financial Secretary, who is  
responsible for the distribution of the different investments, invests with other people, £500 million and  
with a Government company £3 million. The Members opposite are more worried about the security of  
the Government company, which has got £3 million, than about the security of the strangers that have got  
our other £500 million.

2330 Well, we think his judgement must be on the advice that he gets that these things are safe investments  
and he does not come back, and to my knowledge, he did not have to come back seeking approval for any  
individual investment before. I think the way the law was, and the way law is, is that there is a broad  
policy and the broad policy dictates that the timing is the important thing, that is to say the Financial  
2335 Secretary must be in a position to be confident that somebody comes along and says, 'My £10,000  
debenture is maturing next month', and there will be an investment that will mature before that happens  
and the person will be paid. That is what is required, that is what is happening.

**Hon. P R Caruana:** Can I just ask one very short supplementary factual, entirely factual, with Mr  
2340 Speaker's leave?

Mr Speaker, in answering my last supplementary that these were Government funds, he was not  
cutting out one of the adjectives that I used in my question, was he not? It included the spendable and un-  
2345 hypothecated. So for example, it does not include the currency note security fund. I mean, we are talking  
about Government spendable un-hypothecated money. That is not money that the Government is  
Government money in the sense that used to be in special funds, but the Government could not spend  
because it had to be there for some statutory purposes, like the currency notes fund.

It would not be consistent with my question and the answer that he gave to my question, for the £390  
2350 million to include money that the Government could not spend, because it was not really its money  
because it included the currency note security fund which is not the Government's money to spend.

**Hon. J J Bossano:** I think it does, and I think it is the only thing that is included which is about £20  
million. But there is nothing else other than that, the rest is consolidated fund money.

**Mr Speaker:** Move on then to the next question.

2355

**Credit Finance Company Limited  
Investments, payments and loans**

2360 **Clerk:** Question 657, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister please provide a list of all investments, payments and  
loans, made by Credit Finance Company Limited, since its incorporation, showing the amounts, the dates  
2365 those investments, payments and loans were made, together with the identity of the party or parties to  
whom they were made?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2370 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr  
Speaker, the Government will not provide how the commercial Credit Finance Company makes its  
investments, no. The answer to that, it is not information that the Government is prepared to provide.

**Hon. D A Feetham:** Mr Speaker, I have to say that is an extraordinary, (**A Member:** Shocking!) shocking answer. I have been a Member of this House for six years; I have never heard such a shocking, shocking answer as the one that he has provided.

2375 This is £344 million that the Government is saying that it is not going to account to this House, that the Government has no duty to account to this House at Budget time, because this is off-balance sheet, off-estimates of revenue and expenditure, and we take the opportunity of asking a question about it, at questions and answers, and the hon. Gentleman, true to form it has to be said, because we had considered this question and what his response would be prior to asking it.

2380 It is shocking and extraordinary and I have to say, Mr Speaker, that as a consequence of that answer, which we thought that he would give because he is, he is, a leopard does not change his spots – the Opposition is walking out of this Parliament in response to what is an extraordinary, extraordinary state of affairs, in the failure of this Government to provide how it has spent, how £344 million, of which some of it is savers' money, and all of it is Government money, is being spent and is being loaned out to third parties.

**Mr Speaker:** May I ask the Hon. the Leader of the Opposition, before he walks out, whether he would give an indication to the Speaker, so that the Speaker knows whether he should exercise, so that he can exercise his judgement, as to whether we carry on with the business of the House, because there is a quorum, or whether I can allow sense to prevail as a result of a recess until this afternoon. Does he have any intention of returning again, or does he not mind if the House continues with the conclusion of its business today?

2395 **Hon. D A Feetham:** Mr Speaker, we will return –

**Chief Minister (Hon. F R Picardo):** Before the Leader of the Opposition replies, if I can just assist...

2400 **Hon. D A Feetham:** Well, he has asked me – he has asked me. No, I am not giving way. (**Hon. Chief Minister:** Well, Mr Speaker [*inaudible*]) He has asked me a question and I am on my feet.

**Hon. Chief Minister:** I have a Point of Order, Mr Speaker.

**Mr Speaker:** What is the Chief Minister's Point of Order?

2405 **Hon. Chief Minister:** Mr Speaker, I am the Leader of the House, and whether the House recesses or not is technically a matter for me. I would be very interested to hear what the Hon. the Leader of the Opposition has to say, but based on that, I will decide whether I move a recess or not.

2410 **Hon. D A Feetham:** Mr Speaker, we are effectively leaving this House for the remainder of the Question and Answer session. We will be returning for the debate –

**Mr Speaker:** That means that the remaining questions will receive written answers, because they will not have been put. Is he aware of that?

2415 **Hon. D A Feetham:** Well, so be it, Mr Speaker, but we take such a serious view of the failure to answer what is an extremely important question, on something of such importance as this, that we are taking the position that we are walking out in protest at the way that the Government has handled this.

2420 *The Opposition Members rose and left the House at 12.46 pm.*

#### Procedural

2425 **Mr Speaker:** May I now ask the Chief Minister to what time is he proposing that we recess in order to continue Government business with Bills?

2430 **Chief Minister (Hon. F R Picardo):** No, Mr Speaker, I have absolutely no intention of recessing. I would ask the Clerk to please put the questions; I will then table the Written Questions and continue with Bills.

**Clerk:** Well, the next question was due to have been put by the Hon. D A Feetham and it was Question 659. Likewise Question 656, Question 664, Question 665, Question 674, Question 676 and Question 684. I presume now that the answers will be given in written form or –

2435

**Hon. Chief Minister:** Mr Speaker, in order to assist what I would call Members opposite, if they were opposite, I propose that the first written answer that is available to the House should be provided to them, in answer to those questions.

2440

## Written Answers to Oral Questions

**QUESTION No: 659/2013**

Questioner: The Hon D.A Feetham

Can the Chief Minister please provide details of all investments, payments and loans made by the Gibraltar Savings Bank, the Government, or any company directly or indirectly owned by Government to Credit Finance Company Limited stating the amounts and the dates when such investments, payments and loans were made?

### ANSWER

#### THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Mr Speaker,

No loans have been made by the Gibraltar Savings Bank, the Government or Government-Owned Companies to Credit Finance Company Limited.

The Savings Bank Fund invests in redeemable preference shares issued by Credit Finance Company Limited with maturity dates that match the maturity dates of deposits in the Gibraltar Savings Bank. The details of the investments held by this fund, as is the case with all other special funds are published once audited by the Principal Auditor.

**QUESTION No: 656/2013**

Questioner: The Hon D.A Feetham

Can the Chief Minister please state the purpose and policy behind the incorporation of Strand Credit Finance Company Limited?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT  
AND HEALTH & SAFETY**

Mr Speaker,

I will answer this question together with Questions 664 and 665.



**QUESTION No: 664/2013**

Questioner: The Hon D.A Feetham

Can the Chief Minister please provide details of all investments in, payments and loans made by Strand Credit Finance Company Limited stating the amounts and the dates such investments, payments and loans were made?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT  
AND HEALTH & SAFETY**

Mr Speaker,

I will answer this question together with Questions 656 and 665.

**QUESTION No: 665/2013**

Questioner: The Hon D A Feetham

Can the Chief Minister please provide details of all investments in, payments and loans made by the Gibraltar Savings Bank, the Government or any Government owned company or entity to Strand Credit Finance Company Limited stating the amounts and the dates such investments, payments and loans were made?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT  
AND HEALTH & SAFETY**

Mr Speaker,

Strand Credit Finance Company Ltd was incorporated on 16<sup>th</sup> April 2013.

The Company has an Issued Share Capital of £100K and this amount is currently held in the Company's bank account. No other moneys have either been received or paid by this company as it has not yet commenced trading.

The purpose for incorporation is to undertake any credit finance business that may require a UK registered company.

**QUESTION No: 674/2013**

Questioner: The Hon D J Bossino

Can the Government provide full details of all financial assistance (including loans) provided to the owners of the Sunborn by the Government/the Gibraltar Savings Bank (the "GSB"), any company owned (either in whole or in part) by the Government, any company owned (either in whole or in part) by a Government owned company or the GSB?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT  
AND HEALTH & SAFETY**

Mr Speaker,

As is known, Credit Finance Company Limited has a first mortgage on the property as security for a short-term loan. No other source of funding has been provided.

**QUESTION No: 676/2013**

Questioner: The Hon D J Bossino

Further to his answer to Question No. 495 of 2013 can the Chief Minister provide the same detail requested in Question No. 440 of 2013 as respects any new companies which are benefitting from the Government's policy on business start-ups and nurture schemes?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT AND  
HEALTH & SAFETY**

Mr Speaker,

There have not been any new companies since the last answer in this House.

**QUESTION No: 684/2013**

Questioner: The Hon D A Feetham

Can the Chief Minister please state whether the Government intends to fund (either in whole or part) the two recently announced housing schemes at Aerial Farm and the Coach Park respectively, from the proceeds of Gibraltar Savings Bank Debentures or other debt security owed by the Gibraltar Savings Bank?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT  
AND HEALTH & SAFETY**

No Mr Speaker.

## Questions for Written Answer

2445 **Chief Minister (Hon. F R Picardo):** And given that the Oral Questions are now dealt with, if the hon. Clerk calls the Written Questions, I will also table the answer to the Written Questions.

**Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

2450 **Hon. Chief Minister:** Mr Speaker, I have the honour to table the answers to Written Questions numbered W99 to W119/2013 inclusive.

2455

### BILLS

#### FIRST AND SECOND READING

2460

#### Medical and Health (Amendment) Bill 2013 First Reading approved

**Clerk:** Bills, First and Second Reading.

A Bill for an Act to amend the Medical and Health Act, 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals (B18/13).

2465

The Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes)** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Medical and Health Act 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals be read a first time.

2470

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Medical and Health Act 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals, be read a first time. Those in favour?

2475

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I call a division.

**Mr Speaker:** Those against? A division has been called for, so I will ask the Clerk to call out the names of hon. Members.

2480

*A division was called for and voting resulted as follows:*

#### FOR

The Hon. P J Balban  
The Hon. J J Bossano  
The Hon. Dr J E Cortes  
The Hon. N F Costa  
The Hon. Dr J J Garcia  
The Hon. A J Isola  
The Hon. G H Licudi  
The Hon. S E Linares  
The Hon. F R Picardo  
The Hon. Miss S J Sacramento.

#### AGAINST

None

#### ABSENT

The Hon. D J Bossino  
The Hon. Sir P R Caruana KCMG QC  
The Hon. Mrs I M Ellul-Hammond  
The Hon. D A Feetham  
The Hon. S M Figueras  
The Hon. J J Netto  
The Hon. E J Reyes

**Mr Speaker:** Ten Members have voted in favour of the Bill being read a first time. There are seven Members absent. Carried.

2485

**Clerk:** The Medical and Health (Amendment) Act 2013.

2490

#### Medical and Health (Amendment) Bill 2013 Second Reading approved

**Hon. Dr J E Cortes:** Mr Speaker, I have the honour to move that the Bill now be read a second time.

2495 Mr Speaker, before I go into the substance I give notice – and a letter has been distributed – of a number of minor amendments that I intend to bring at Committee Stage.

Mr Speaker, one would be forgiven for thinking that the Medical and Health Act 1997 is a statute that governs the practice of health care in Gibraltar. As it stands, it does provide mechanisms for registration and control of key players in the health sector, such as doctors, nurses, dentists and pharmacists.

2500 There is, however, the very large vacuum when it comes to the allied health professionals. As the law currently stands, practitioners of these professions, which include chiropodists, dieticians and osteopaths, to name but three, are outside the regulatory framework.

2505 This means that it is possible for people to hold themselves out to have expertise, when in fact they may have none. That carries inevitable risk to persons who seek treatment from these so-called professionals. The Bill affords protection in both directions, a person accessing an allied health professional, will have the comfort that the person claiming to have a specific area of expertise, is in fact registered with the relevant UK governing body.

Allied health professionals will benefit too, since they will no longer be exposed to the potential competition from persons who are not entitled to practice. In addition, the service users and the public will benefit because the Bill will require the regulated professionals to uphold high standards of practice.

2510 Mr Speaker, this legislative/regulatory gap is not something that has just appeared out of nowhere. Healthcare professionals have made repeated representations to the Government for this change, since the late 1990s. As far back as 2005, the Government of the time issued a consultation precisely on this matter. Regrettably, nothing was done after the consultation exercise was completed.

2515 Mr Speaker, this Government considers that action is indeed necessary and this is why I am bringing the Bill to the House. The Bill also introduces a number of other changes, which I will be referring to now.

The principal changes are: clause 3. Mr Speaker, clause 3 amends section 7 of the Act. This section contains details relating to the Register of Medical Practitioners etc, and is extended so as to accommodate a further part to the register, specifically for allied health professionals.

2520 Clause 4, the amendments introduced by clause 4, taken together with a new section 21B which is introduced by clause 9, reflects Government's policy to push towards registration, with the relevant UK registration body, by waiving registration fees for those who do so. The natural consequence of registering in the UK is that to varying degrees, there is an element of professional oversight through the adherence of standards, including continuous professional development and codes of practice.

2525 Clause 6 amends section 10 of the Act and is a small amendment which intends to close the loop-hole to allow the Medical Registration Board the power to refuse to register a person who has not kept up to the requirements as to training or currency of practice in the home state.

2530 Clause 7 inserts a new section that is intended to preserve the ability of a very small number of pharmacists, who have given Gibraltar many years of valuable service, and whom the Government knows would not be able to meet the new criteria being established. It has therefore made a very limited exception for these persons.

Clause 8 makes an amendment to reflect the reality that the existing time limits on limited registration are impractical.

2535 Clause 9 inserts two sections into the Act. I have already spoken about section 21B; the other section 21A is also about raising the standards of practice in Gibraltar, and in this case a section will require dentists and pharmacists to abide by the Codes of Ethics which are promulgated by the relevant UK institution.

2540 Clause 10 of the Bill, inserts a whole new part, Part IIA, which is dedicated towards the registration of allied health professionals and the protection of their titles from use by un-registered persons, as with the dentists and pharmacists, all allied health professionals, will also be obliged to follow codes of ethics which are promulgated by the relevant registering body in the United Kingdom. A full list of protected titles is to be found in schedule 13 which is inserted in the Act by clause 18.

2545 Clauses 15 and 16 respectively update and make provision for offences in connection with the use of protected titles by persons who are not entitled to use them.

And finally, clause 17 substitutes the present schedule 2 on fees, to make registration in Gibraltar only, more expensive than registration in the UK and Gibraltar, in line with the policy described some moments ago.

Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

2550 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Medical and Health Act 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2555

**Clerk:** The Medical and Health (Amendment) Act 2013.

2560

**Medical and Health (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2565

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2570

**Nature Protection (Amendment No. 2) Bill 2013**  
**First Reading approved**

2575

**Clerk:** A Bill for an Act to amend the Nature Protection Act 1991. The Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time.

2580

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time. Those in favour? (**Members:** Aye). Those against? Carried.

**Clerk:** The Nature Protection (Amendment No. 2) Act 2013.

2585

**Nature Protection (Amendment No. 2) Bill 2013**  
**Second Reading approved**

2590

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, this amendment realigns and slightly amends the list of methods covered by the Act. There are two typographical errors in the Bill, which I will seek to amend at Committee Stage.

2595

In one, the reference to killing has been omitted in error. There is also an error in the letters and numbers attributed to the paragraphs.

Mr Speaker, there has been some confusion in the past in respect of some of the methods and the legal interpretation of the methods as defined. The proposed realignment makes it clear that all gill nets are covered, including trammel nets which are now specifically mentioned in section (ba).

2600

Interpretation is also clearer, in that the three main methods utilised in the region by our artisanal fishermen are now all included in one subparagraph.

Mr Speaker, may I add by way of information that as has been stated on previous occasions, Government will now be able by regulation at the appropriate time to allow activities, subject to very tight rules designed to ensure accountability of catch and sustainability and regeneration of fish stocks.

2605

Draft regulations are being finalised and should be ready for publication shortly. We have consulted widely on their content, which is designed to ensure protection of the marine environment and protection of the responsible practice of local recreational fishermen.

Given that this is an issue of great public interest, I will table a copy of the regulations in the House, when they are published, to ensure all hon. Members have direct access to these.

2610

I commend the Bill to the House. (*Applause*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2615

I now put the question, which is that a Bill for an Act to amend the Nature Protection Act 1991 be read a second time. Those in favour?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I once again call for a division on this important Act.

*A division was called for and voting resulted as follows:*

**FOR**

The Hon P J Balban  
The Hon J J Bossano  
The Hon Dr J E Cortes  
The Hon N F Costa  
The Hon Dr J J Garcia  
The Hon A J Isola  
The Hon G H Licudi  
The Hon S E Linares  
The Hon F R Picardo  
The Hon Miss S J Sacramento

**AGAINST**

None

**ABSENT**

The Hon D J Bossino  
The Hon Sir P R Caruana KCMG QC  
The Hon Mrs I M Ellul-Hammond  
The Hon D A Feetham  
The Hon S M Figueras  
The Hon J J Netto  
The Hon E J Reyes

2620

**Mr Speaker:** There are 10 votes in favour; seven Members are absent. Carried.

**Clerk:** The Nature Protection (Amendment No. 2) Act 2013.

2625

**Nature Protection (Amendment No. 2) Act 2013  
Committee Stage and Third Reading to be taken at this sitting**

2630

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2635

**Protected Cell Companies (Amendment) Bill 2013  
First Reading approved**

2640

**Clerk:** A Bill for an Act to amend the Protected Cell Companies Act 2001.  
The Hon. the Minister for Financial Services and Gaming.

2645

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Protected Cell Companies Act 2001 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Protected Cell Companies Act 2001 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2650

**Clerk:** The Protected Cell Companies (Amendment) Act 2013.

**Protected Cell Companies (Amendment) Bill 2013  
Second Reading approved**

2655

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

2660

Mr Speaker, the primary purpose of this Bill is to ensure that in every instance the body best able to assess the suitability of a company being incorporated as a protected cell company, or being converted into a protected cell company, is given the responsibility to make that assessment.

2665

As it now stands, the Protected Cell Companies Act 2001 divides this responsibility between, on the one hand, the Financial Services Commission for insurers and authorised collective investment schemes and, on the other, the Finance Centre for companies issuing particular types of debt instrument and for certain companies which do not need to be licensed or authorised by the Financial Services Commission.

2670

The Government has considered and the Financial Services Commission has agreed that it is the Financial Services Commission that is best placed to give or withhold consent, given the essentially technical nature of the valuation and because of the ongoing supervisory duties implied by the terms and conditions, which may be attached to a consent, a role for which the Financial Services Commission is admirably suited and justly recognised.

This Bill therefore amends the Protected Cell Companies Act by replacing in section 11 references to the Finance Centre Director with references to the Financial Services Commission's Chief Executive Officer.

2675 Mr Speaker, a secondary purpose of this Bill is to bring the Protected Cell Companies Act up to date by replacing obsolete terms and outdated references. This is dealt with in the Bill in a number of different ways, Mr Speaker, which I can take Members through at the Committee Stage, should anyone wish for clearance.

I commend the Bill to the House, Mr Speaker.

2680 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Protected Cell Companies Act 2001 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2685 **Clerk:** The Protected Cell Companies (Amendment) Act 2013.

2690 **Protected Cell Companies (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2695 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2700 **COMMITTEE STAGE**

**Medical and Health (Amendment) Bill 2013**  
**Nature Protection (Amendment No. 2) Bill 2013**  
**Protected Cell Companies (Amendment) Bill 2013**

2705 **Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

2710 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: the Medical and Health (Amendment) Bill 2013; the Nature Protection (Amendment No. 2) Bill 2013; the Protected Cell Companies (Amendment) Bill 2013.

2715 *In Committee of the whole Parliament*

**Medical and Health (Amendment) Bill 2013**  
**Clauses considered and approved**

2720 **Clerk:** A Bill for an Act to amend the Medical and Health Act 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals.  
Clause 1.

2725 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Chairman, as I have already indicated, I would like to propose the substitution of clause 1 as it appears in the Bill, for clause 1(1), 'This Act may be cited as the Medical and Health (Amendment) Act 2013.' and add a subsection (2): 'This Act comes into operation on the day specified by the Minister by Notice in the *Gazette* and different days may be appointed for different provisions and for different purposes.'

2730 The reason is very simple: the different professions will have different renewal dates and different times required for them to conform to this new Act and we want to have the flexibility to be able to do so.

**Mr Chairman:** Those in favour? (**Members:** Aye). The amendment is carried.  
Clause 1 as amended, stands part of the Bill.

2735 **Clerk:** Clause 2.

**Mr Chairman:** Stands part of the Bill.

2740 **Clerk:** Clause 3.

**Hon. Dr J E Cortes:** Yes, Mr Chairman, similarly to propose an amendment to this clause by way of housekeeping, essentially. In clause 3(a), in paragraph (c), subparagraphs (i) and (ii) are renumbered (ii) and (iii) respectively, and the following subparagraph is inserted – '(i) for the words "six parts" substitute "seven parts"; and (b) after paragraph (c) insert the following paragraph – '(d) subsection (3) is repealed.'

2745 It is merely to rectify some minor errors.

**Mr Chairman:** Those in favour of the amendment? (**Members:** Aye). Carried.  
Clause 3 as amended stand part of the Bill.

2750 **Clerk:** Clauses 4 to 18

**Mr Chairman:** Stand part of the Bill.

2755 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

2760

**Nature Protection (Amendment No. 2) Bill 2013**  
**Clauses considered and approved**

2765 **Clerk:** A Bill for an Act to amend the Nature Protection Act 1991.  
Clause 1.

**Mr Chairman:** Stands part of the Bill.

2770 **Clerk:** Clause 2.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Yes, Mr Chairman, as I mentioned earlier, in clause 2 of the Bill, for section 10(2) substitute section 10(1); and in paragraph (ba), after the words 'uses for the purpose of', insert the words 'killing or'.

2775 As I said before, that was a typographical error.

**Mr Chairman:** Those in favour of these amendments? (**Members:** Aye). Carried.  
Clause 2 as amended stands part of the Bill.

2780 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

2785

**Protected Cell Companies (Amendment) Bill 2013**  
**Clauses considered and approved**

2790 **Clerk:** A Bill for an Act to amend the Protected Cell Companies Act 2001.  
Clauses 1 and 2.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.



2795 **Mr Chairman:** Stands part of the Bill.

**BILLS FOR THIRD READING**

2800 **Medical and Health (Amendment) Bill 2013**  
**Nature Protection (Amendment No. 2) Bill 2013**  
**Protected Cell Companies (Amendment) Bill 2013**  
**Third Readings approved; Bills passed**

2805 **Clerk:** The Hon. the Chief Minister.

2810 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Medical and Health (Amendment) Bill 2013, the Nature Protection (Amendment No. 2) Bill 2013 and the Protected Cell Companies (Amendment) Bill 2013 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

2815 **Mr Speaker:** I now put the question, which is that (1) the Medical and Health (Amendment) Bill 2013, (2) the Nature Protection (Amendment No. 2) Bill 2013 and (3) the Protected Cell Companies (Amendment) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

Do hon. Members require that I call them out individually? No?

2820 **Hon. Chief Minister:** Mr Speaker, *ex abundanti cautela* – I have seen that the Clerk has raised his eyebrow; perhaps we should.

**Mr Speaker:** Those in favour of the Medical and Health (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

2825 Those in favour of the Nature Protection (Amendment No. 2) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Protected Cell Companies (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

2830 **ADJOURNMENT**

2835 **Chief Minister (Hon. F R Picardo):** Mr Speaker, although I was very much enjoying the nostalgia of watching the ghosts of Governments past debate with the great Joe Bossano and this has all been, all that fun has been spoilt at the last minute, I now have the honour to move that the House do now adjourn *sine die*.

**Mr Speaker:** I now propose the question, which is that the House do now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*.

2840 Those in favour? (**Members:** Aye.) Those against? Carried.

This House will now adjourn *sine die*.

*The House adjourned at 1.15 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.25 a.m. – 9.40 a.m.

Gibraltar, Thursday, 21st November 2013

## The Gibraltar Parliament

*The Parliament met at 9.25 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

### PRAYER

*Mr Speaker*

## Order of the Day

**Clerk:** Meeting of Parliament, Thursday, 21st November 2013.

(i) Oath of Allegiance.

### CONFIRMATION OF MINUTES

**Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 17th, 18th and 29th October 2013.

5 **Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

*Mr Speaker signed the Minutes.*

10

COMMUNICATIONS FROM THE CHAIR

Whether Government Ministers misled the House  
Ruling by the Speaker

15

**Clerk:** (iii) Communications from the Chair.

20

**Mr Speaker:** This is the first time that I am formally ruling on a matter raised by the Leader of the Opposition. It is not very often that the Speaker, either here in this Parliament or perhaps in any other parliament is asked to make a ruling. Accordingly, I have checked with the Office of the Clerk of the House of Commons as to whether a Member of Parliament is entitled to rise and respond to a ruling.

25

The position in the House of Commons is that a Member will not be allowed to rise and respond, or even reserve his position, as this would in effect be challenging the ruling. The correct formal step for a Member who is dissatisfied would be to table a formal motion stating his opposition to the ruling clearly.

Now as to the matter at hand.

30

As Members are no doubt aware, the Leader of the Opposition has been in correspondence with me, seeking my adjudication on an allegation that Government Ministers had misled Parliament when answering questions in relation to the Sunborn Floating Hotel.

Having studied our Standing Rules and Orders, consulted the edition of 'Erskine May' currently in use and after consulting the Office of the Clerk of the House of Commons, I responded with a ruling which I think should be placed on the record so that all Members should be aware of the salient points contained therein.

35

In the Leader of the Opposition's letter of 17th July 2013, he asked that I rule on:

'whether:

- (a) the deliberate misleading of Parliament by a Member is capable of amounting to a contempt of Parliament; and
- (b) you have the power on a complaint by another Member that a Member of Parliament has deliberately misled Parliament and therefore acted in contempt, to rule that a *prima facie* case has been established?'

40

The following extracts from my replies to the Leader of the Opposition constitute my ruling:

(1) Erskine May, at page 203, sets out the breaches of parliamentary privilege which could amount to a contempt. These include circumstances where the business of the House is obstructed or impeded.

45

Up until the present time, and noting the Leader of the Opposition's dissatisfaction with the answers given to his questions, but in no way judging the issue, I fail to see how it can be held that the business of the House was impeded so as to constitute a contempt. Nor, again, do I consider that the business of the House was obstructed or impeded.

50

(2) There is no provision in our Standing Rules and Orders to deal with cases regarding allegations of a Minister misleading Parliament when answering a question. This is also the position in the House of Commons. In not giving the Speaker the power to adjudicate on allegations or complaints that a Minister has misled Parliament when answering questions, the Speaker is being safeguarded, probably intentionally, from being placed in an untenable situation. Never-ending instances would, no doubt, arise whenever a Member was not satisfied with an answer, when the Speaker would be expected to adjudicate on allegations that Parliament had been misled.

55

(3) I have also asked the Office of the Clerk of the House of Commons as to what courses of action in Parliamentary terms are open to the Opposition, should they consider that the Government have misled Parliament. They have replied that:

60

'Purely procedurally, if a Government Minister is accused of misleading the House then:

- (a) Either the Opposition could approach the matter politically, with motions of censure, confidence etc, or
- (b) If they felt that a particular Member (in this case a Minister) had misled the House then another Member could make a complaint in the normal way for the matter to be treated as a matter of privilege and referred to the Committee of Privileges.'

65

Since we do not have a 'Committee of Privileges' in our Parliament to whom the matter can be referred, only (a) above would seem to be relevant.

That is the end of my ruling, and I am providing all Members with a copy of this ruling.

70

**Clerk:** (iv) Petitions; (v) Announcements.

75

**DOCUMENTS LAID**

**Clerk:** (vi) Papers to be laid.  
The Hon. the Chief Minister.

80

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2013.

**Mr Speaker:** Ordered to lie.

85

**Clerk:** The Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I have the honour to lay on the Table the Social Security (Insurance) (Amendment of Benefits) Order 2013 (Legal Notice 131 of 2013).

90

**Mr Speaker:** Ordered to lie.

**Clerk:** The Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

95

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to lay on the Table the Report of the Principal Auditor on the Accounts of the Gibraltar Port Authority for the financial year ended 31st March 2012.

100

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

105

### Questions from 690/2013 to 706/2013 to be answered in writing

110

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
Question 690/2013, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, I would like my Oral Questions from 690/2013 to 706/2013, both included, to be treated as Written Questions instead.

115

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will not object to that application made by Mr Netto, but it is a matter, in my view, entirely for the Chair.

120

**Mr Speaker:** There is nothing in the Rules to cover this situation. Where it is... Members of the Opposition who desire that questions should be answered in a written form, prior notice is given to that effect, and likewise, when notice is given that questions are down for an oral answer, separate notice is given.

125

The only situation, once notice of a question has arisen, where written answers are provided to questions which were meant for oral answer, is when a Member due to ask that question is not present. If that Member is absent, and no other Member in his or her place asks that question, then a written answer is given.

Since the Government has no objection, I am not going to object to that being the case, but I do wish to make the point that it is not covered by Rules, and that therefore it should not be taken as a precedent.

130

### Procedural

**Chief Minister (Hon. F R Picardo):** Mr Speaker, given that Questions 707 onwards are to be answered by me, and we have established a precedent in this House that the Chief Minister answers

135 Questions on the third Thursday of each month at 3.00 p.m., I now move that the House recess until 3.00 p.m. this afternoon.

**Mr Speaker:** The House will now recess to 3.00 p.m.

140 *The House recessed at 9.40a.m. and resumed its sitting at 3.00p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 7.30 p.m.

Gibraltar, Thursday, 21st November 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

## Questions for Oral Answer

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### CHIEF MINISTER

#### Credit Finance Company Ltd; Gibraltar Savings Bank Funding of Government projects

10

**Clerk:** Answers to Oral Questions continue.  
Question 707/2013, the Hon. E J Reyes.

15

**Hon. E J Reyes:** Mr Speaker, can the Minister for Heritage state whether any heritage related projects are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by: (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

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

20

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 708 to 750, 753 and 755.

**Clerk:** Question 708, the Hon. E J Reyes.

25

**Hon. E J Reyes:** Can the Minister for Education state whether any school maintenance/refurbishment or new construction projects are being funded, or the intention is to fund, either wholly or partially, either

directly or indirectly, by: (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

30 **Clerk:** Question 709, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education state whether any projects related to the establishment of a University of Gibraltar are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by: (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 710, the Hon. E J Reyes.

40 **Hon. E J Reyes:** Can the Minister for Training state whether any Vocational Apprenticeships and/or Training Schemes are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by: (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

45 **Clerk:** Question 711, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Culture state whether any cultural related projects, including but not Ltd to, the provision of a new theatre, are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by: (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 712, the Hon. E J Reyes.

55 **Hon. E J Reyes:** Can the Minister for Youth state whether any youth and/or Youth Service related projects are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by: (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 713, the Hon. E J Reyes.

60 **Hon. E J Reyes:** Can the Minister for Sports and Leisure state whether any sports related projects, including, but not Ltd to, the provision of new sporting facilities for football, rugby and/or cricket, are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by: (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

65 **Clerk:** Question 714, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sports and Leisure state whether any maintenance/refurbishment or new construction projects, in respect of premises for clubs and associations are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by: (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 715, the Hon. Mrs I M Ellul-Hammond.

75 **Hon. Mrs I M Ellul-Hammond:** Can the Minister with responsibility for Civil Contingencies state whether any projects, or manifesto commitments, within his Ministry are, or will be, funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 716, the Hon. Mrs I M Ellul-Hammond.

80 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the City Fire Brigade state whether the new relocated City Fire Station will be funded, wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

85 **Clerk:** Question 717, the Hon. Mrs I M Ellul-Hammond.

90 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister with responsibility for the Civil Contingencies state whether the updating and fitting of the C3 bunker is being, or will be, funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 718, the Hon. Mrs I M Ellul-Hammond.

95 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Health state whether any projects, or manifesto commitments, within his Ministry are, or will be, funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

100 **Clerk:** Question 719, the Hon. Mrs I M Ellul-Hammond.

105 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Health state whether the new mental health facility at the former RNH site, is being, or will be, funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 720, the Hon. Mrs I M Ellul-Hammond.

110 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Health state whether the new hospital kitchen, ambulance facility and extended A&E will be funded, wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

115 **Clerk:** Question 721, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Health state whether the new Electronic Health Records System will be funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

120 **Clerk:** Question 722, the Hon. Mrs I M Ellul-Hammond.

125 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Social Services, Equality and the Elderly state whether any projects or manifesto commitments within her Ministry are, or will be, funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 723, the Hon. Mrs I M Ellul-Hammond.

130 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Social Services state whether the new Alzheimer and Dementia facility, at the former RNH site, is being, or will be, funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

135 **Clerk:** Question 724, the Hon. Mrs I M Ellul-Hammond.

140 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Social Services state whether the Elderly facility, at the former John Mackintosh Wing, of the old St Bernard's Hospital is being, or will be, funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 725, the Hon. Mrs I M Ellul-Hammond.

145 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Social Services state whether the new Alzheimer Day Care Centre, at the former RNH site, will be funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 726, the Hon. Mrs I M Ellul-Hammond.



150 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Social Services state whether the new Elderly Day Care Centre at Waterport Terraces will be funded, wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

155 **Clerk:** Question 727, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul Hammond:** Mr Speaker, can the Minister for Social Services state whether the dedicated clubhouse for the Gibraltar Special Olympics movement, and the facility for the Gibraltar Clubhouse Project, will be funded wholly or partially, either directly or indirectly, by Credit Finance Company Ltd, or by the proceeds from monies deposited in the Gibraltar Savings Bank?

160

**Clerk:** Question 728, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Transport state whether there is any expenditure under any of the Departments, Government Agencies, or statutory bodies he is responsible for, which is being funded, or that is intended to be funded, wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd, or (b) from the proceeds of monies deposited in the Gibraltar Savings Bank?

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170 **Clerk:** Question 729, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic state whether there is any expenditure under any of the Departments, Government Agencies, or statutory bodies he is responsible for, which is being funded, or that is intended to be funded, wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd, or (b) from the proceeds of monies deposited in the Gibraltar Savings Bank?

175

**Clerk:** Question 730, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Hon. the Minister for Justice state whether there is any expenditure under any of the Departments, Government Agencies, or statutory bodies he is responsible for, which is being funded, or that is intended to be funded, wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd, or (b) from the proceeds of monies deposited in the Gibraltar Savings Bank?

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185

**Clerk:** Question 731, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Hon. the Deputy Chief Minister state whether there is any expenditure under any of the Departments, Government Agencies, or statutory bodies he is responsible for, which is being funded, or that is intended to be funded, wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd, or (b) from the proceeds of monies deposited in the Gibraltar Savings Bank?

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**Clerk:** Question 732, the Hon. D J Bossino.

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**Hon. D J Bossino:** Can the Minister for Enterprise, Training, Employment and Health & Safety state whether there is any expenditure under any of the Departments, Government Agencies, or statutory bodies he is responsible for, which is being funded, or the intention is to fund, wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd, or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

200

**Clerk:** Question 733, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism, Commercial Affairs and the Port state whether there is any expenditure under any of the Departments, Government Agencies, or statutory bodies he is responsible for, which is being funded, or the intention is to fund, wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd, or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

205

210 **Clerk:** Question 734, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Chief Minister state, if the new G1 vehicle has been funded, either wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank?

215

**Clerk:** Question 735, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Security and Health & Safety state whether there are any projects or services being provided within his areas of responsibility which have been, or will be funded, either wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank, and if so, please state which ones, and by which company or entity?

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**Clerk:** Question 736, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities state whether there are any projects, or services, being provided within his areas of responsibility which have been, or will be funded, either wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank, and if so, please state which ones, and by which company or entity?

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**Clerk:** Question 737, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state whether there are any projects, or services, being provided within his areas of responsibility which have been, or will be funded, either wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank, and if so, please state which ones, and by which company or entity?

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**Clerk:** Question 738, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Government say whether any programme for the spaying of feral cats has been funded, wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank?

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**Clerk:** Question 739, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Government say whether any programme for the culling of cats has been funded, wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank?

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**Clerk:** Question 740, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Government say whether the Solar thermal design tender specification, and monitoring of pilot study, have been funded, wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank?

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**Clerk:** Question 741, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Government say, whether the projects for the revamping of the water catchment tank at the Eastside, and planting in the area, have been funded, wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank?

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**Clerk:** Question 742, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Government say whether the assessment and report prepared by the company Ramboll will be funded, wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank?

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**Clerk:** Question 743, the Hon. J J Netto.

275 **Hon. J J Netto:** Mr Speaker, can the Government say whether any grants for projects that will assist in the reduction of our carbon footprint are being funded, wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank?

280 **Clerk:** Question 744, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Government say whether the culling of feral pigeons in urban areas is being funded, wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank?

285 **Clerk:** Question 745, the Hon. J J Netto.

290 **Hon. J J Netto:** Mr Speaker, can the Government say whether any of the works, or services, in relation to the new permanent power station are being funded, wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 746, the Hon. J J Netto.

295 **Hon. J J Netto:** Mr Speaker, can the Government say whether any payments have been made wholly or partially, either directly or indirectly, (a) by Credit Finance Company Ltd, or (b) by the proceeds of monies deposited in the Gibraltar Savings Bank to the Primate Protection League and the Born Free Foundation in connection with the Government's macaque plan?

300 **Clerk:** Question 747, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister provide a list of all Government projects, or commitments, that have been funded, or will be funded, either directly or indirectly, by Credit Finance Company Ltd?

305 **Clerk:** Question 748, the Hon. D A Feetham.

310 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a list of all Government projects, and commitments, that have been funded, or will be funded, either directly or indirectly, from the proceeds of monies, which have at some point been deposited in the Gibraltar Savings Bank?

**Clerk:** Question 749, the Hon. E J Reyes.

315 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state whether any of the new co-ownership housing projects are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 750, the Hon. E J Reyes.

320 **Hon. E J Reyes:** Can the Minister for Housing state whether any of the new rental homes projects are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

325 **Clerk:** Question 753, the Hon. E J Reyes.

330 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state whether any housing refurbishment projects are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

**Clerk:** Question 755, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please state whether the Financial Services Commissions has received, or is intended to receive in future, the benefit of any loan, payment or

335 funding, either directly or indirectly, by (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited with the Gibraltar Savings Bank?

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

340 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no such expenditure is, or is envisaged, to be funded by Credit Finance Company Ltd, or from the proceeds of deposits in the Gibraltar Savings Bank.

**Hon. D A Feetham:** Mr Speaker, can I draw the Hon. the Chief Minister's attention to Question 748, and Question 748 talks about or asks about the proceeds of monies which have at some point been deposited in the Gibraltar Savings Bank.

345 Now, in answer to Question 663, the Hon. – (*Interjection*) Well, I will give way.

**Hon. Chief Minister:** Mr Speaker, I have picked out that question myself, actually, now. Can I invite him to ask me the supplementary he is going to ask me, and once I have answered Question 764, which I am going to answer with Questions 751 and 763, which is the next question on the Order Paper?

350 **Mr Speaker:** Are there any other supplementaries?

**Hon. D A Feetham:** Mr Speaker, yes, clearly, I would invite the Hon. the Chief Minister, and I do not know what answer he is going to give me, in relation to the last question on the Order Paper, but of course, I know, and he knows, that £100 million has been loaned by the Gibraltar Savings Bank to the Government, so that has gone into Government coffers.

355 Now unless the Government intends for that £100 million to just simply sit there, and do nothing, which I doubt very much that is the intention, then of course the Government does intend to use the proceeds from monies that have been deposited in the Gibraltar Savings Bank for some purpose.

360 Therefore, ergo, the answer he has given me in relation to Question 748 cannot be accurate.

**Hon. Chief Minister:** Mr Speaker, that is why I have told him I have picked out Question 748 – it is not the last question on the Order Paper for today, although it is the last question there is, numbering wise. I have told him I am going to answer it next, because it is going to be answered with Question 751, which is the very next question on the Order Paper and then he will see exactly what that £100 million has been applied to. I think this Question 748 should have been answered with 764, and not with the bunch of others, because it relates to monies deposited previously. So I am quite happy to take the substance of that question in my answer to the next set of questions that will be answered.

370 **Hon. P R Caruana:** Mr Speaker, can the Hon. Chief Minister say whether the answers that he gave to the original questions apply to the tunnel under the runway as well, and indeed, whether the Government's position has changed, in respect of that project, over what he has told this House in the past.

375 **Hon. Chief Minister:** Mr Speaker, what I have said about Credit Finance, and the Gibraltar Savings Bank applies equally to the continuation of that tunnel project.

The hon. Gentleman knows, and I have told the House before, that that is a matter presently in litigation. Nothing that the Government has said previously has changed. He may be happy to hear, that, since the last answer in this House, I think the process of prequalifying people, for the tender process to complete the works has now been completed, and that the trial on liability of this matter, is actually ongoing in the United Kingdom as we speak, and the Government is advised that we can be cautiously optimistic of a favourable result.

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**Credit Finance Company Ltd; Gibraltar Savings Bank  
Funds received from, payments made to by Government**

390 **Clerk:** Question 751, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Government please state what funds or payments it, or any other Government-owned company, agency or statutory body has received from Credit Finance Company Ltd, since that company was incorporated, or from the Gibraltar Saving Bank, identifying precisely the reason and purpose for the receipt of those funds, or those payments?

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

400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer together with Questions 763 and 764.

**Clerk:** Question 763, the Hon. D A Feetham.

405 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state what monies have been paid by the Government, any Government-owned company, or the Gibraltar Savings Bank, either directly or indirectly, to Credit Finance Company Ltd, since it was incorporated, excluding the amounts paid in relation to the subscription of its shares?

**Clerk:** Question 764, the Hon. D A Feetham.

410 **Hon. D A Feetham:** Mr Speaker, can the Government please state what it intends to do with the £100 million that the Gibraltar Savings Bank has lent the Government, and in respect of which the Government has issued a monthly debenture, or debentures, at the rate of 8%.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, excluding the amounts paid for the subscription of its shares, no monies have been paid by Government, any Government-owned company or the Gibraltar Savings Bank, directly or indirectly, to Credit Finance Company Ltd since it was incorporated.

420 The £100 million that the Savings Bank Fund has invested in a Government debenture, has been credited to the Consolidated Fund, and will be used, in the main, to fund I&D expenditure.

425 **Hon. D A Feetham:** So, does the Government envisage that part of this £100 million will, for example, be used in relation to some of the housing projects that the Government has announced? Is that a possibility? Is that envisaged by the Government?

430 **Hon. Chief Minister:** Mr Speaker, the money will go into the I&D. Where it goes in the I&D book is a matter that is not yet clearly determined, but it will go to the items of expenditure in the I&D. To do that Mr Speaker, it will go through this Parliament, and Members will have the opportunity of considering that, at the time that we consider the relevant Appropriation Bill.

435 **Hon. D A Feetham:** Well, Mr Speaker, that may be true, but of course, I asked specifically, last time round, in the last session of this House, whether any monies from the Gibraltar Savings Bank were going to be used in relation to, for example, the Aerial Farm Project, and the other housing project that the Government has announced. The answer from Minister Bossano was that no.

But does he accept that, actually, that answer cannot be entirely accurate, because part of this money may well end up in the funding of those two projects? It seems to me that it is a remarkable coincidence that the Government has announced that those projects, the combined costs of those projects, some £106 million, and that the Gibraltar Savings Bank is lending the Government, effectively, £100 million.

440 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Savings Bank is not directly financing; the Savings Bank is buying Government debt. If the hon. Member considers that debentures sold to the Savings Bank means that it is the Savings Bank that is financing, that is a view that we do not share. One thing is for the Savings Bank to be involved in investing in something as it does with credit finance, and the other thing is for the Government public debt to be held by the Savings Bank, which it has been held in many previous occasions, and I think which at one stage, in previous questions, the hon. the backbencher asked me whether, when it came to Government expenditure, this would be done through public debt held by the Savings Bank, which I confirmed.

450 **Hon. D A Feetham:** Yes, but, Mr Speaker, does he not accept the artificiality of the situation – of course, the Gibraltar Savings Bank, is not funding directly these two particular projects to the tune of £100 or £106 million, but what is happening is that the Gibraltar Saving Bank is lending the Government £100 million, and the Government is then using that £100 million, in order to fund these two projects. Does he not accept that the distinction that he has drawn is a highly artificial one?

455 **Hon. J J Bossano:** Mr Speaker, no, I do not accept it. The Government of Gibraltar issues public debt. The public debt can either be sold directly to a member of the public, or it can be sold to the Savings Bank, which is selling Savings Bank savings instruments to the members of the public.

460 And the fact is that the money is not the money of the Savings Bank, ultimately; it is the money of the same people that would have been investing in debentures in the Government, or investing in debentures in the Savings Bank. So, ultimately, it is not the Savings Bank money; it is the money of any investor.

465 So I do not see why the hon. Member finds there is something wrong, in the money being channelled through the Savings Bank, before it becomes public debt, as opposed to being public debt directly. It is no different from the fact that the money is deposited, on the one hand, in Barclays Bank by the Government, and yet, on the other hand, it borrows money from Barclays Bank – or does he not know that this has been happening in the last 15 years?

470 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Minister for Inward Investment accept that the proceeds of monies from the Gibraltar Savings Bank, savers' money, is being used by the Government in order to fund some of its projects? Does he accept that?

475 **Hon. J J Bossano:** Mr Speaker, I accept that the increase in the public debt, in the last 15 years, from £100 million to £500 million was savers' money, and that that savers' money was used to make a hole in the Theatre Royal, where it stood, and to build an £80 million Air Terminal, which is grossly underutilised, and that that savers' money could, equally, have gone directly into Government debentures, and would have not have been found objectionable by the hon. Member. Unless the hon. Member thinks that the correct thing to do, when you issue debentures, is not to make any use of the money that you borrow.

480 The hon. Member prefaced his previous supplementary by saying he would expect that if we issued a debenture, it is not just for the money to sit there. It is because the money is going to be spent, and that is quite true. The money is going to be spent, and we could either go and say to the public, buy Government debentures, which we choose not to do, or we sell the Government debentures to the Savings Bank, who in turn borrow the money from the public. So, what is the difference?

485 **Hon. D A Feetham:** So, Mr Speaker, just to cut through the Gordian knot of his answer, the answer is yes. Yes?

490 **Hon. J J Bossano:** Well, Mr Speaker, the answer is yes, it is true that the Government has, for the last 15 years, been borrowing money from the public, and throwing it away in digging holes where the Theatre Royal has to be, and it is yes, that now the money borrowed from the public will be put to a much more fruitful use, which is economic growth and housing people. (*Banging on desks*)

495 **Hon. P R Caruana:** Mr Speaker, I wonder if the hon. Member would give me the opportunity to persuade him, that the answers that he has just give this House, are either not entirely accurate, or not the whole story.

500 Would the hon. Member agree with me, that in the past, as he calls it – I think he has referred to the last 15 years, to obvious political effect – that there has been, except for a few months towards the end of our last term, in respect of a relatively small amount, there has always been, in the Government reserves and the Savings Bank, more cash reserves than the Government owed, what he calls, savers; and that therefore, to the extent, that the Government was borrowing and spending money on its projects, its ability to repay savers was not in jeopardy, because the Government always had more cash in its reserves, and in the Savings Bank reserves, than either of them, or both of them, owed savers?

505 And will he agree with me, that the essence of the questions, which are not reflected in the essence of his answers, is that the Government is now structuring the Treasury affairs of the Savings Bank, and indeed its own, in a way that allows the Government to do something which no Government has done before, and that is to spend savers' money, in quantities which reduce the amount of reserves in cash, available to both the Savings Bank, and the Government, to repay those savers, should they all ask for their money at the same time?

510 Now, he knows what my views are, about the spending of savers' money, I have explained it in this House several times, by reference to what other European countries do. The difference is that we do not have that history here, and he knows my view, that there is nothing implicitly wrong with it, so long as it is transparent, and the House can see how much contingent liability under its guarantee of the Savings Bank, by the Government – a statutory guarantee of the Savings Bank – the Government may be making itself liable for, through this spending of money, without being matched by cash reserves. That is a transparency issue, and the other issue is that savers should understand, which requires a slightly less politically cynical answer than he has just given – a simple 'yes' would be sufficient transparency – that savers should now understand that savers' money is now being spent, either investing in these preference shares of this Credit Finance Company, which can then invest it however it pleases, or by lending it to the Government, so that it can spend it, however it pleases, subject to the approval of this House, through the

520 Budget. And that that has not been the case before, and that people simply need to understand, that that can now happen. And that both of those would be a considerable step forward to where we are today.

**Hon. J J Bossano:** No, Mr Speaker, I do not accept what he has just said.

525 **Hon. P R Caruana:** Yes, and therein lies the problem.

**Hon. J J Bossano:** The problem is in fact that what he has said is not accurate. That is, the Savings Bank has previously held, in its portfolio of investment, Government debt. Yes, it has, Mr Speaker. And it was his Government that introduced the policy of stopping the issuing of debt by the Saving Bank as saving instruments, and replacing it by debentures. And at the time that he did that, he said that he was doing it because of the need to keep the 10% reserve. He may have forgotten it, but I remember. The net result of that is that he is now arguing that somehow, if the Government borrows £100 million from him, that is something that he, as a saver, should be told, that they borrowed the money to make use of it in Government spending – if it is in the Savings Bank, but there is no need to do it if it is issued directly by the Government, as a Government debenture.

530 Well, look, it is exactly the same thing. If the hon. Member puts his savings in the Savings Bank, which is guaranteed by the Government, and the Savings Bank invests that money in a Government debenture, apart from the fact that it appears twice, once in and once out, it is exactly the same. With the same guarantee, the same maturity, the same rate of interest, and used for the same purpose. The £100 million will be used for the same purpose as if the Government had chosen to do, what he was doing when he was in Government, which was to say, invite people to invest in a £100 million of five-year Government debentures. And that would have been savers' money.

540 Or is it that the definition by the Members opposite is that you are only a saver if you put it in the Savings Bank, and you are not a saver if you save it by investing directly in Government debt?

545 **Hon. P R Caruana:** No, Mr Speaker. If I could just ask him further – answer him in the form of questions, just to keep within the Rules of the House.

550 Does the hon. Member accept that, of course, we understand that you can be a saver, whether you put your savings in Government debentures, or in Savings Bank debentures; and all of the answers that he has given me, to my supplementaries, continue to obfuscate the real issue; and he is debating with someone... well he is not debating, he is answering questions from somebody who has a very particular view about these things; and he is going to lose this argument with this person? At least in this person's mind, through simple lack of transparency, and lack of clarity, with the people of Gibraltar.

555 Yes, Mr Speaker, look, it is not the case... I am going to go back and check it, but I am 99% clear that the Gibraltar Government has not, during the last 15 years as he calls it, sold debentures – or put the other way, that during the last 15 years, the Gibraltar Savings Bank assets have not included Government debentures. In other words, in my time, the Gibraltar Savings Bank did not lend its savers' monies to the Gibraltar Government. He has now said twice this afternoon that that is the case, and I am telling him that I am 99% certain – I will check, and if I am wrong, I will tell him, and I will confirm it in this House next time I come – that that is not the case.

560 But whatever might be the answer to that question, does he accept that he has not answered the essence of one of my previous, admittedly convoluted, supplementary questions, which is that the qualitative difference of where we are today and where we have been in the last 15 years is that it is no longer the case now, as it has been over the last 15 years, that in terms of *risk* of the money, *risk* of the Government's fiscal position deteriorating, and not being able to make good this money that it is borrowing from the Savings Bank, so that the Savings Bank will in turn not be able to repay it to its savers? The crucial difference now is the absence of a matching cash reserve.

565 At any time in the last 15 years, if anything had required it, the Government had the right amount of money in the Bank of England, and elsewhere, to say, 'Okay, have your money back, everybody.' That is no longer the case, because it is spending it on its own projects now, rather than having it in cash in the Bank of England, or in near cash, short-term paper, as had been the case in the past. All compounded by the fact – does he accept? – that because he will not answer the questions about the Credit Finance, we cannot even gauge in this House, how much of that money is being spent by Credit Finance, in what nature of project it is being spent, and therefore gauge its repayability, and hence gauge the risk to which it is being subjected.

575 Sorry, I should... can I just put a question mark on the end of all of that?

580 **Hon. J J Bossano:** Mr Speaker, I have not said to the hon. Member that he issued debentures from the Savings Bank and then reinvested them in Government debt, in the last 15 years. I have said it is not the first time this has been done, and in fact the first thing he did in 1996 was to repay the Government debt that the Savings Bank held.

Now, he is entitled to have done that, and we are entitled to do the opposite, and there is nothing right nor wrong about it, except that there is an inescapable flaw in his analysis. He says, if the Government borrows the £100 million from the public, then it is safe, and it is alright to spend it. But if the Government borrows the £100 million from the Savings Bank, it ceases to be safe, and therefore it should not be spent. Well, that argument, with all due respect to him, is complete nonsense. There is no difference in the level of security, whether the debenture is issued by the Government, or the debenture is issued by the Savings Bank, and used for the same purpose that the debenture from the Government would have been used.

In fact, nothing would change, if tomorrow, the Government said to the Savings Bank, 'I am repaying your £100 million by borrowing directly from the public', and the money would be used in the same way, going to the Consolidated Fund, be voted out of the Consolidated Fund, and transferred to the I&D Fund, and be spent on capital projects, and that is the only money that is being used, or will be used to fund Government capital projects. Which is the answer to the supplementary that is being asked, in relation to the question about the £100 million.

And when it comes to the amount of cash, the hon. Member knows that if it is short-term money, and people can come and say, 'I want my money back', then the money that is in cash, or near cash, in the Savings Bank is still there, to the tune of £500 million or thereabouts, and that any money beyond that, by virtue of the legislation that we introduced, has to be invested in instruments that cannot have a longer maturity than is owed to the saver. In fact, I pointed it out at the time, when we were raising this matter, that the reality of it is that the liquidity risk that is true of every bank, including the bank in which the Savings Bank puts its money. Because the hon. Member seems to be saying, 'If I have £100 million in Barclays Bank, it is safe, but if I have £100 million with the Government it is not safe', even though the Government, in any case, guarantees both the debenture, and the savings.

Well, the reality of it is that it is impossible for the Savings Bank to have a liquidity problem of not being able to pay back savers, if they came back for their money tomorrow, because the money of the savers that is due tomorrow is backed by cash. And the money of the savers that is due in five years time is backed by something that has got security, several times worth that money, and due to be repaid before that date. So, there is no risk of any liquidity crisis, and there is no risk of the savers not being able to withdraw their money. But of course, if Members opposite are concerned about that, then they should advise those that they advise, or those that take their political lead from them, that they should find a safer home for their money than the Savings Bank.

I can tell the hon. Member that the only problem the Savings Bank has today is that it may have to start closing opportunities for savings, because the money is pouring in.

**Several Members:** Hear, hear. (*Banging on desks*)

**Hon. P R Caruana:** Mr Speaker, the hon. Member is, of course, right in what he said to me in the first half of his answer, but he is attributing to me statements that I have not made. Of course, from the point of view of the security of savers' money, it makes no difference, whether it lends it directly to the Government and the Government spends it, or whether the savers lend it to the Savings Bank, who then lend it to the Government who then spends it. In terms of the affordability of the Government's ability to repay it in the future, and therefore the security of the savers' money, it is exactly the same thing.

But my second round of supplementaries was not aimed at that, and did not say that. What I was talking about was what he has addressed in the second half of his last answer, which is about the consequences to the potential security of savers' money, which of course, we all understand is guaranteed by the Government, but if the Government gets into financial difficulties, as Governments all over Europe and elsewhere have got, in the last two years, the Government will not be able to make good on that guarantee.

Now, as I understand what the hon. Member has said, towards the end of his last answer, was that that in fact is not the predicament, or the risk, to which savers are exposed. Because, in fact, there is a cash reserve, in respect of monies, the origin of which is savers, if I could just put it that way, debenture holders, as opposed to, which is not covered by cash reserves, Government's own monies that are being put through this structure, and that therefore savers are not at risk, although the Government's other funds might be.

Now, Mr Speaker, all that is very well, but how does this Parliament, that has the obligation, and indeed the requirement, to monitor the extent to which that statement is true...? And we should not have to just depend on the fact that the hon. Member answers questions, supplementaries to that effect. We are entitled to see official statistics that show what are the holdings of cash reserves, how much, and subdivided, are the funds of the Government and of the debenture holders, and *test* on a constant, ongoing and regular basis that the statement that the hon. Member made, distinguishing between the funds that were at risk, Government's, and funds which are not at risk, savers', is in fact the case.



Would the hon. Member undertake to provide this House information, on an agreed structural basis, that allows us to make that distinction?

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**Hon. J J Bossano:** Mr Speaker, the information is published, when the audited accounts of the Savings Bank are published as part of the audited accounts of the year, and they have been given to the hon. Member in the last question that he asked about the breakdown of the assets of the Savings Bank. *(Interjection)* Now, the fact is that what he calls cash, let us be clear, is not without a risk. It is the same cash that there was there before, but ‘cash’ means things that have been bought in the stock exchange, which have got a short life. *(Interjection by Hon. P R Caruana)*

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Right, well, he will find that the breakdown was provided to him, in the answer that I gave a month ago, and it is all there. I do not know at what more frequent intervals... I know of no other bank that provides its balance sheet, except once a year. We provided it more frequently than once a year. And therefore the answer is, the hon. Member has already had that information – indeed, it was as a result of that information that they put a question about the £100 million debenture. They would not have known about the debenture, unless they had seen it in that list that I gave him.

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**Hon. P R Caruana:** Mr Speaker, the quality and extent of the information that I think this House is entitled to, and is at the core root, of the Opposition’s continuing unhappiness with the current situation, is not disaggregatable from the information that he gives us in the form that he gives us.

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For example, he will recall, when we last had an exchange between ourselves that he had to concede to me, after several supplementaries, that the amount of capital involved in those numbers – I think it was in the £334 million, or a figure to that effect, I cannot quite remember what it was – included the contents of the Government’s special fund known as the Currency Note Security Fund. So it is not just a question of knowing the total amount of money that the Government has invested in this way, in the purchase of preference shares or whatever. It is the fact that they should be funds that the Government should not be spending, because once they go into the Credit Finance Company, the Opposition, given that they will not answer the questions, cannot see how much of it is being spent. So on the basis of the manner in which the information has been provided, so far, which we say – I say, at least – is insufficient for the purposes that I was describing in my previous supplementary. It is not just the amount; it is what sort of Government funds are they, and should the Government be spending those funds?

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For example, the Government should not be spending the Currency Note Security Fund. I am sure that they would agree with that. But if it all goes into this gross number, and into a company which can spend it without regard to that characteristic of the money, the Opposition is simply not *able* to see how much money the Government is spending, and is it all Government... that is *spendable* by the Government.

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**Hon. Chief Minister:** Mr Speaker, it is just not true that the Government is not answering questions on Credit Finance. What happened last month, something which I am sure hon. Members opposite have eternally regretted – and I am pleased that they have confirmed to GBC that they will not be walking out this month – is that they were told, very specifically, which question would not be answered, which was the identity of borrowers.

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Now, hon. Members will have seen a lot of questions already answered today, in relation to Credit Finance, an exchange now between him and the Hon. the Minister for Inward Investment, in respect of aspects of the way that the whole of the borrowing and lending is structured. The breakdown of information, which was provided last month, Mr Speaker, to a question, I think, from the Hon. the Leader of the Opposition, as to exactly, how much of the money there is in the Savings Bank is invested where, etc.

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So, Mr Speaker, I have heard him say it now, and I have heard the Leader of the Opposition be quoted by GBC as saying that the Government is not answering questions on Credit Finance Company Ltd: that is not true, Mr Speaker.

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The Government has spent already the better part of an hour today, answering questions about Credit Finance Company Ltd, and Mr Speaker, what they had last time... I do not understand what it is that they think is so funny, Mr Speaker. They are the ones who say *(Interjection)* that this is an important issue for our community, Mr Speaker. I agree, it is an important issue for our community, Mr Speaker, when we have an Opposition that decides to walk out of Parliament because it cannot make arguments.

695

Mr Speaker, the issue last month was that we would not give them the information they asked for, which they *knew* we could not give them. In other words, they asked a question which they knew was incapable of answer – as if they said, ‘Would the hon. Members on the Government benches please provide copies of the medical notes of every registered Gibraltarian?’ Well, Mr Speaker, those medical notes are as confidential as the loans that are granted by any licenced money lender. Those are the questions that the Government will not answer, and the public have seen through this, Mr Speaker, and they know that it is right that we should not answer that question.

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705 But it is not true, therefore, that the Government does not answer questions about Credit Finance. There are a number of more questions, on the Order Paper, that we are about to get on to, which will provide more details, and we have already provided the details requested by hon. Members to date, in this session in respect of particular projects, which they have asked whether the funding has come from Credit Finance or the Gibraltar Savings Bank.

710 Mr Speaker, I think, it is important that that should be clear to the community.

**Hon. D A Feetham:** Mr Speaker.

715 **Hon. P R Caruana:** Can I just finish my supplementary? Mr Speaker, first of all, I do not where that leaves the answer to my supplementary, but to the extent that the Hon. the Chief Minister's last intervention is a comment on my behaviour, given that I walked out too, I have to tell him that I think his characterisation of what led to that walkout – which in my view was entirely justified, and I, for my part, would have no hesitation in repeating it, if this current situation prevails –

720 **A Member:** (*Interjection*)

725 **Hon. P R Caruana:** – is not as he has described it. Look, with the greatest of respect to him, it is hardly the same thing to ask for the personal medical records of anyone, let alone everybody. That is hardly the same thing as expecting this Government to be accountable in this Parliament for the financial affairs of a Government-owned company, directed by civil servants, for which the Government is accountable in this House, using public funds for which the Government is accountable in this House. Otherwise, does the hon. Member really believe, that it is so simple to circumvent the normal Parliamentary democratic checks and balances, for a Government simply to put its money in a company, and then say, 'I will not tell you who I have paid the money to'? So for all we know... because it is in a company. 'Just as Nat West and Barclays Bank do not tell people who they have lent money to' – well, *actually*, they do –

**Hon. Chief Minister:** Mr Speaker, that is not the position but –

735 **Hon. P R Caruana:** Well, Mr Speaker –

**Hon. Chief Minister:** Will he give way, Mr Speaker?

740 **Hon. P R Caruana:** Well, Mr Speaker, I will give way... I have nearly finished. If he does not mind, I will just finish.

745 This is not about whether the Government will provide, or will not provide, information that is commercial in confidence. That is *not* what this is about. This is about the Government consciously organising the affairs of the Savings Bank and of itself in a manner that prevents this Parliament – of whom he is the Leader, (*Banging on desks*) and of whose competences he should be the guardian – it is about the Government organising its affairs in a way which prevents this Parliament from understanding and knowing about and monitoring (**Several Members:** Hear, hear!) and holding (*Interjections*) the Government to account for the potential future solvency or insolvency – and I hope, solvency. This is not about whether there is present risk; this is about this Parliament's inability to see whether, and to what extent, there is risk.

750 And if he does not understand that, then I am afraid he has not understood everything that has been done by his Government, by other Ministers.

**Hon. Chief Minister:** It is you who does not understand it.

755 Mr Speaker, it is *him* that does not understand it, although I do understand that the little drummer boy, and the little drummer girl, sitting next to him do want to praise him, because they were better off under his leadership than they are under their own.

Let us be clear, Mr Speaker – (**Hon. D A Feetham:** Boo!) (*Interjections*)

Mr Speaker, the hon. Gentlemen is now taking to booing this Parliament. He much more deserves the epitaph of –

760 **Mr Speaker:** May I intervene for a moment.

For the last hour, we have had a mature series of exchanges, on a matter of great importance. I therefore call upon Members to maintain the tenor of those exchanges, and not to resort to childish behaviour.

765 **Hon. Chief Minister:** Thank you very much indeed, Mr Speaker, I may now be able to get through my answer without being heckled.

Now, Mr Speaker, what has been the tenor of the hon. Member's last intervention has been to say – and this is when I asked him to give way – that the Government would not say what payments a Government company is making, or what payments are being made with savers' money, so in effect, not being able to analyse those payments. Well look, Mr Speaker, he accuses me of not understanding. Did he not understand that the £100 million that we are talking about, we are talking about going into the Consolidated Fund, which is subject to the control of this Parliament; that before it goes into the I&D, it will go through an Appropriation Bill in this Parliament – ? (*Interjection*) I am going talk about that, and the other thing you were talking about as well.

775 And thirdly, Mr Speaker, that in the I&D section of the Appropriation Bill's schedule, the Estimates Book, as we know it, they will see a breakdown of what the money is being spent on. That is the first part, Mr Speaker.

The second part, the question of what we would not agree to provide, in the context of the debate last month, which he said he would happily have supported a walkout of, well, I am surprised, Mr Speaker, because if anybody goes back and watches the video, he looked extremely surprised that anybody was going anywhere, and very reluctant to pack his bags and go. Although some of us think that he should be less reluctant, and should now have decided that he should allow the seat to go to somebody who is going to be more active. But, anyway...

785 Mr Speaker, what we said we would not answer was exactly what he has identified, namely the commercially sensitive aspects of the question: who has borrowed what money – in other words, Mr Speaker, the loans. He knows, Mr Speaker – he does not like my example about medical notes, but he knows, Mr Speaker – that the British Parliament, the British taxpayer, capitalised some of the biggest banks in the world, some of the British banks. Mr Speaker, that does not mean that the Rt. Hon. the Prime Minister is answerable in Parliament for the loans given by those banks, at least since the date that those banks were capitalised by the British taxpayer. It does not make any sense, Mr Speaker. There are aspects of the financial management of people's affairs, which are as confidential as their medical notes. That is the *only* question we failed to answer. And that was the pretext, and I use that word advisedly, on which they decided to walk out last month.

795 There are more questions on the Order Paper, and Mr Speaker, perhaps what the hon. Gentleman needs to do is just accept that we have not got through it yet, because there is a lot of requests for information, which they have made for the *first time*, this time round in this Parliament, and which they are about to get. So, if he is going to accuse us of not disclosing things, he may at least wait until we answer the questions, when they have been asked for the first time. (*Interjection*)

800 **Hon. P R Caruana:** Mr Speaker, my sense of freedom to give up my seat in this Parliament is the direct symmetry, in the opposite, of the danger into which he habitually plunges Gibraltar, and to the extent to which I feel that Gibraltar can be left in his hands, without, at least someone with 15 or 16 years of chief ministerial experience, to not let him get away with some of the things that he is doing, when I consider that they are important enough. And what he calls inactivity has been disturbed on this issue, for 805 the first time in nearly 18 months, *because* it is so important, and I fear that the person who does not understand what he is talking about is not me, but him.

Look, Mr Speaker, he may think – and I accept that he often gets away with it – he may think he can divert the attention through the use of some unrelated argument, from the original serious matter that is being debated.

810 But look, will he agree that the sense of what he has just told me can be tested in this way: because he says it is absurd – just as it is absurd for the Prime Minister in England to be asked what loans National Westminster Bank is making, which is capitalised by the Government – that it is absurd for this Opposition to ask the questions in this House that it is asking? Does he not recognise the following obvious differences, and that is that National Westminster Bank in England, having been capitalised 815 transparently by the government, is not then run by civil servants, for whom the government is responsible in the House of Commons; and it is not run by civil servants who are under the direction of ministers of the UK government; and it is not run, therefore, as an unaccountable, in Parliament, extension of government; but rather as an independent body – National Westminster Bank – subject to the regulation of the Financial Services Authority in England, to which... this Government has refused to 820 make the Savings Bank accountable to the Financial Services Commission?

Each time he draws the analogy between what we are complaining about, and the British Prime Minister and the National Westminster Bank, or RBI, because it has been funded by the Government, he demonstrates either a huge degree of ignorance, or a huge degree of thick skin, to pretend that what is black is exactly the same as what is white, when everybody can see the difference – as well as doing the 825 Prime Minister a considerable disservice in the United Kingdom.

**Hon. Chief Minister:** Is that a question?

830 **Hon. P R Caruana:** Finally, would he agree with me that his suggestion that loans made by this Civil Service-run, ministerially-directed, Government-owned company with public funds, that the answer that he has given to me, about how silly it is for us even to ask about the loans, would enable – whether they do it or not is another matter – would *enable*, and that is enough for this Parliament to be concerned with, the finance company that we are discussing, to lend money to another Government-owned company, through which projects can then be done? And that money would not come anywhere near the  
835 Improvement and Development Fund, because Credit Finance can lend through the action of its directors, civil servants, for which the Government says it is not accountable in this House, to Gibraltar Investments, or Gibraltar Property Holdings, or GRP or JBS, or any of the other Government-owned companies, up to the £300-and-odd million that have been invested in preference shares with Government monies, and that is completely off the radar screen.

840 And the hon. Members think that that is the position that the Prime Minister is in, in England, in relation to the Royal Bank of Scotland! Well, he must think that everybody in this House, and everybody in Gibraltar listening to him, are idiots, because it is plain to anyone with an ounce of common sense that they are simply *incomparable* situations. Would he agree with that?

845 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman, really, has either gone past his prime much sooner than anticipated, or is now completely unable to remember the things that he said. And *Hansard*, Mr Speaker – (*Interjections*) Well, Mr Speaker – (*Interjections*) I am sorry, Mr Speaker –

850 **Mr Speaker:** May I...? I would ask the Chief Minister to refrain from those comments.

**Hon. Chief Minister:** Mr Speaker, can I ask you to also ask Mr Caruana, to, when he makes submissions – Sir Peter Caruana, in fact, to give him his full title – when he asks questions to also keep temperate, because he has referred to idiots in this House, and I do not think it is necessary to lower the temperature.

855 But Mr Speaker, let us be very clear, whatever it is that has happened to the hon. Gentleman, Mr Speaker, he does not seem to remember what he said before he sat down, asking one supplementary, when he gets up to ask another.

860 He has now said – and I have made a note of it – the Government says that it is not accountable in this House for Credit Finance. Well, Mr Speaker, I have said *the complete opposite*. The one thing that Credit Finance might invest in, and we might all agree is a good investment, is one of those ‘instant *Hansards*’ so we could all have a screen in front of us, and I could go back and show him exactly what it is that he has said! Because I have no doubt that he will now get up and say that he did not say that – although I have got a full note of what he said.

865 *Of course* the Government is accountable for Credit Finance Company Ltd. The only thing the Government has, to date, said it will not provide, in relation to Credit Finance Company Ltd, is the names of people who borrow from it – the *names*, the *identities* of the people who borrow from it. The one thing that he said in his previous intervention, he accepted we should not give – namely, things which are commercially sensitive. He does not like any of the comparisons that I do.

870 Well, Mr Speaker, I do not care that he does not mind about any of the comparisons that I make, but I certainly do not treat people as if they were idiots, Mr Speaker. I do not go around talking to Ministers for Europe, telling them that I might be prepared to do an Andorra style solution and then be surprised when – (*Interjections*) [*Inaudible*] they proposed joint sovereignty.

875 **Mr Speaker:** Order! Order! (*Interjections*)

The matter is now going beyond the subject of these questions and answers. Therefore, if hon. Members continue in that manner, I will bring to an end this series of questions, and ask the Clerk to call the next one. (*Interjections*)

880 **Hon. P R Caruana:** Mr Speaker I have one other supplementary question.

**Hon. Chief Minister:** Mr Speaker, I have not finished –

**Hon. P R Caruana:** Oh, I thought that you had.

885 **Hon. Chief Minister:** I assume that Mr Speaker, as long as I stick to the issue, will allow me to continue with the answer.

Mr Speaker, I do want to say, however, Mr Speaker, that the hon. Gentleman started his intervention by alleging that I take Gibraltar into danger habitually. He said that I plunge Gibraltar into danger,

890 habitually. Well, Mr Speaker, that is the point that I was answering, because of course, I do not accept that point, and he needs to be careful, Mr Speaker, not to believe the things that people that he habitually has not trusted, just because he might find that, in some way, they help him to make his points today.

895 Anyway, Mr Speaker, this question of the Savings Bank: there are two issues here. First the issue of the £100 million, and on the issue of the £100 million, the position is clear: that £100 million is in the Consolidated Fund, it is subject to the control of this Parliament. Therefore, this Parliament will vote what happens with that money – full transparency. It will not even move from the Consolidated Fund into the I&D Fund – the Improvement and Development Fund, for those who are watching or listening – without a vote of this Parliament under the Appropriation Bill. And then, Mr Speaker, the breakdown of that £100 million will trickle through into what he and I know are the pink pages of the Estimates Book, so people will see exactly where that money is going. That is one limb of the argument.

900 The second limb of the argument is the money in Credit Finance Company Ltd: the only thing the Government has said it will not provide are the names of the borrowers – the names and amounts of those loans which are being given, Mr Speaker – because those are the commercially sensitive aspects of the issue.

905 But other than that – and this is what he has not picked up, Mr Speaker, and what I see from people chomping at the bit to stand up and ask another question – the other bit that they do not seem to have picked up is that there are a lot of other questions on the Order Paper, asking for details about Credit Finance and how it spent its money, and we are being accused of not giving answers, Mr Speaker, although we have not yet got to the questions!

910 **Hon. P R Caruana:** Well, can I ask one more question?

**Mr Speaker:** Yes, certainly – and then I will call on the Leader of the Opposition.

915 **Hon. P R Caruana:** Mr Speaker, first of all, I am very happy to hear the Hon. Chief Minister answer repeatedly about the £100 million. My questions were not about the £100 million, those are perfectly transparent – I do not know whether they were in the Consolidated Fund or in the Improvement and Development Fund, but whichever of the two they are in, they need the appropriation of this House for expenditure. Well, I have not said anything about that. I am talking about the £340-odd million that are in the preference shares in the Credit Finance Company.

920 Mr Speaker, look, I suppose the hon. Member would agree with me say that, of course, we can have a debate, although the Speaker, obviously, will not allow it now, about what the word ‘accountable’ means, but I do not want to address that issue now.

925 He may think, he may *think*, that in respect of a company that has £340-odd... forgive me I cannot remember the exact figure, £340 odd million, or whatever – the figure is not the issue – that he is being accountable, if he tells us other information, but not who the money is being lent to. But Mr Speaker, that is *precisely* the subject matter, in respect of which accountability is required.

930 If a company is in the business of giving credit finance, and you will not be told what credit finance it is giving, to whom and for what, what sort of accountability are we talking about. Whether the CEO has tea or coffee in the morning, or whether he has one or two lumps of sugar in it. But it is certainly not transparency, about what this Parliament needs transparency, which is, what is this company doing with the money that the Savings Bank has invested in it, through preference shares. If the hon. Member were to say, look... and this is how we used to use the phrase ‘commercial in confidence’. He often attributes to me recourse to that device. ‘Commercial in confidence’ was only ever whilst negotiations were in progress, but once the Government does a deal and converts it into documentation, he never heard us say ‘commercial in confidence’.

935 ‘Commercial in confidence’ means that you do not give information publicly, at a time that it could prejudice the public interest by prejudicing the negotiation, by arming the other party with information that would be useful for them to use against the taxpayer in their negotiations with the Government. That is what ‘commercial in confidence’ means. It does not mean a permanent... at least, in my understanding, of what accountability means, it does not mean, that there is a permanent refusal, permanently to tell this Parliament who civil servants have decided to lend monies invested in the finance company, by the Savings Bank, to and for what.

940 But look, if that is the hon. Member’s definition of accountability, then we shall just have to disagree, without having to get, sort of, over passionate and overaggressive, we shall just have to agree about (a) what the word accountable means and (b) about the degree and nature of accountability to which a Parliament is entitled, if it is to be able to be seen to be doing its job. And I am sorry that he thinks, but I console myself by the thought that he appears only to think it when he gets angry with me, that I should resign my seat in this Parliament.

950 **Hon. Chief Minister:** Well no, Mr Speaker, it is not that I think it when he gets angry, it is that, of course, it is matter for him, and I am very pleased at the tenor of his intervention now, because it is completely different to the tenor of his earlier intervention, and it is conducive to continuing –  
 (Interjection by Hon. P R Caruana) Well, I mean, for those who cannot hear him, because in a sedentary position, he says that it is not a different tenor; it is the same. Well, I have not heard him say that I  
 955 plunged Gibraltar into danger, and I have not heard him say that I am not accountable for things, so maybe it is that we really must invest in that screen, so he can go back and see himself a few moments ago.

But anyway, Mr Speaker, I believe that the tenor of his intervention now is more conducive to resolving the... I hesitate to call it ‘debate’, the issue that has arisen in the questions. (Mr Speaker: These exchanges.) These exchanges.

Mr Speaker, look if the only issue between us is – (Interjection by Hon. P R Caruana) Well, if the only – well, let us see whether we can whittle it down. Let us see whether we whittle it down, because then the public will understand what the difference is. If the only issue between us is the names of the borrowers and the amounts of the loans, then that is completely different, Mr Speaker, and this is why I  
 965 say to him, ‘Bear with us, we have not got to the end of the Order Paper yet’, because there is a lot of information that has never been asked for before, which when they have asked for it, we are about to give. And in that context, Mr Speaker, maybe he gets much more comfortable with the issue, and is left only with an issue of what I have called not ‘commercial in confidence’, I have called ‘commercial sensitivity’.

Now, of course, Mr Speaker, when you are dealing with people’s borrowings, there is, in our view, commercial sensitivity. That is an issue, Mr Speaker, that he may realise by the end of this session, is not so relevant to risk, which is how he started this part of the supplementaries – (Interjection) Risk and transparency, and I accept that he said both those things. Right.

So in that respect, Mr Speaker, let us get through the issues that we are dealing with, let us look at what information is going to be put in the public domain, in the context of the next questions. Let us understand, what has already been put in the public domain. Because the hon. Member has said, ‘Well, you could fund any of these projects by simply doing it through a company.’ Look, I do not know whether he was in, when we started this afternoon – I assume that he was, I think he was in from when we started. (Interjections) We have just answered 50 questions about projects, and been asked, and I think it  
 975 is more or less the whole of the manifesto, whether we have funded them, or will fund them, directly or indirectly through Credit Finance, or the Gibraltar Savings Bank. And we have said no. So, Mr Speaker he also has that comfort, to put into the context in which the whole of these answers are being given.

But, Mr Speaker, if I can just say one thing, and he will recognise this language, and I have used it today in an intervention on radio. The Hon. Peter Montegriffo, who was the founder of the GSD, a man who was in Government with the hon. Member opposite, said on television two weeks ago, I think exactly today, something which I have echoed, and I am sure that we can echo across the floor of this House: what is very clear, is that there is no risk whatsoever to depositors in the Gibraltar Savings Bank, and it would be irresponsible for anybody to interpret these exchanges, in any way that suggests the opposite. (Interjection)

990 And I give way to the hon. Member.

**Hon. P R Caruana:** I am grateful, Mr Speaker.

I did indicate it was my last supplementary, so I did not want to get up again.

Mr Speaker, the Hon. the Chief Minister’s allusion to the statement made on television by my  
 995 erstwhile Deputy Leader is hugely apposite, because it allows me, finally, and before... My conscience is clear, I have expressed my views, in this Parliament, as is my obligation. They do not get any more persuasive through repetition, so I do not intend to repeat them, but, the distinction between risk, and ability to gauge risk, which is why I am calling for transparency. It is not my position that there is today presently risk, in the sense that the money has already been spent, and the Government already cannot repay it. That is what you would have to be saying, in order to say that there is already risk.

With the greatest of respect to Mr Montegriffo, he like us cannot *know* whether there is risk, and that is what I am complaining about. Because, he does not *know* exactly what is going on, and therefore he cannot know, what might be the risk today, tomorrow, next month, next year, three years from now, five years from now. And therefore neither, Mr Montegriffo, nor the Opposition – at least not me – neither of us can say that there is today an inability to pay savers’ money, or that the Government can today not repay the savers’ money, and therefore that there is risk in that actual sense.

But it is true of both me and Mr Montegriffo, which is why his answer therefore, his statement therefore, in my humble, and increasingly irrelevant opinion, is not particularly meaningful, is that he is making a statement of fact, without an ability, ongoing through time, to assess whether or not the statement is true. In other words he *hopes* that there is no jeopardy, as I hope that there is no jeopardy – I  
 1010 am not saying there is jeopardy today; all I am saying is that with this structure, would he agree, that with

this structure the Opposition's ability to gauge whether jeopardy is developing, when and in what quantity, is absent, and therefore, it is the transparency point which is a different point to the risk point.

1015 **Hon. Chief Minister:** I gave way, Mr Speaker, to the hon. Gentleman, and would say this, Mr Speaker: I actually think that Mr Montegriffo's point is a very valid one, and a very appropriate one  
1020 *(Interjection by Hon. P R Caruana)* for this reason, for this reason, Mr Speaker, and I think he will agree with me, by the time that we finish the session today, that if the only risk is the identity of the lender and the loan, then he is going to see, Mr Speaker, by the end of this session that there is a lot of information in the public domain, which means that there is no question of not being able to assess that, Mr Speaker.

Now, unless he is saying, 'Until I know the nature of the covenant of the borrower, and I can only know that by knowing the identity of the borrower, I will not be able to assess risk.' Well, okay, Mr Speaker, I...*(Interjection by Hon. P R Caruana)* Well, Mr Speaker I think he will see that that is not the case, and I am caught Mr Speaker, by the Rule that I should not give answers to questions that are coming  
1025 on the Order Paper, but I think he will see by the end of this set of questions *(Interjection)* that we are not in any situation which, even the most uncharitable previous Chief Minister would care to see described as creating any potential risk for this community. *(Interjections)*

The savers in the Gibraltar Savings Bank have never been more secure, and by the end of this session, they will have seen why that is the case, and will continue to be the case, and will realise, Mr Speaker,  
1030 that the Government's assurances and Mr Montegriffo's own assurances are to be relied upon.

**Mr Speaker:** The Hon. the Leader of the Opposition.

1035 **Hon. D A Feetham:** Yes, Mr Speaker, one of my supplementaries, and I hope that he deals with it in answer to the subsequent questions, as he has undertaken to do, is whether he accepts that the identity of a borrower is highly relevant to risk.

To take an extreme example, lending to a known impecunious borrower is obviously going to be risky when compared to lending to somebody who has the money, and therefore that kind of information is highly relevant to assessing risk, and is highly relevant in the exchanges that we are having across the  
1040 floor of this House.

But can I ask this supplementary: now he has repeated it on a number of occasions... He said that the only information that the Government has refused to provide are the names of the borrowers. Does he not accept that that cannot possibly be right, in the light of the question that I asked, Question 657? Because what I asked, and the answer from Mr Bossano was it is not considered appropriate to provide such commercially sensitive information. The question was can the Chief Minister please provide a list of all investments, payments and loans made by Credit Finance Company Ltd since its incorporation, showing the amounts, the dates, those investments payments and loans were made, together with the identity of the party or parties.  
1045

In other words, he could have provided all the information, by just simply blanking out the identity of the parties. Now, is he, in the light of the statements that he has made to this House that all the Government is refusing to provide is the identity... will he provide all the other information that I have sought in that question? *(Interjections)*  
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1055 **Hon. Chief Minister:** Mr Speaker, as he is about to find out, when we go through the Order Paper, he is going to get a lot of information. He is not going to get names, Mr Speaker, and he is not going to get breakdowns of loans, but he is going to get a lot more information.

Because, Mr Speaker, that is exactly, what we are saying is the commercially sensitive information, that is the only issue that we will not be dealing with. But I would invite, Mr Speaker, the House to go through the questions, and to come back, and to deal with supplementaries, once we have put all the information out there. And then we can be dealing with issues, without there being information in the Order Paper that may go to some of the supplementaries.  
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1065 **Hon. D A Feetham:** Well, Mr Speaker, does he accept that a lot of information is not the information that we were seeking? Does he not accept that what the Government is refusing to provide is not just simply the identity, but actually, all the other information that I have sought, because the Government could have provided, for example, a schedule of all the loans the Government has provided, with all the amounts, with all the dates, and just simply blanked out the name of the individuals.

Now, that would not have satisfied us, as I have said publicly, but at least it is providing more information, and being more transparent, than just simply refusing to answer it blank. And does he not accept that therefore the statement that he has made to this House, that all the Government is refusing to provide is the names of the borrowers, is just simply not accurate?  
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**Hon. Chief Minister:** No, Mr Speaker, I do not accept that.

1075 But perhaps he would accept that he simply, and he left the House, Mr Speaker, saying that he was shocked, but that he expected the answer. Now, those are conflicting statements, if ever there were conflicting statements, Mr Speaker.

But, he did not ask a supplementary. He did not say, 'Well, is it that you will not give me one piece of information, but you will give me the other?' He simply said, Mr Speaker, 'This is *shocking*, we are walking out.'

1080 If he goes to the end of the Order Paper, he will realise he is going to get a lot of information, Mr Speaker, some of which was what he asked for last time, short of the names, Mr Speaker, so we will see exactly where it is where we get to. Perhaps if he accepts my invitation, to ask the questions and come back by the end of those questions, we will be in a better position.

1085 **Hon. D A Feetham:** But, Mr Speaker, the Hon. the Chief Minister, again, is just simply not being accurate with his answer. The question that I asked was capable of being severed in different parts. In other words, it was capable of being answered by just simply blanking out the names of the borrowers, and providing all the other information. The answer to the question was, 'It is not considered appropriate to provide such commercially sensitive information.' – in other words, all the information that I was seeking, not just simply the identity of the borrowers.

1090 Now, in the light of the statements that he has made to this House, will he undertake to provide all the information that I asked in the question, this Question 657/2013?

1095 He is inviting me to ask, or what he is saying is I should have asked a supplementary of Mr Bossano. Well, in the light of that, let us assume I made a mistake: alright now, will he undertake to provide all the information, with the names of the borrowers blanked out?

**Hon. Chief Minister:** Mr Speaker, I have said repeatedly to him that he should continue asking the questions on the Order Paper, and at the end of that, see what information he does not have. (Interjections) Mr Speaker, I do not know what it is that he wants to do in this Parliament, whether all he wants to do is grandstand, and keep asking the same question, in order not to get through to the stage where he will have a lot of the information that is about to come.

1100 Is it that he just thinks that he will be able to persuade people that the Government, for some reason, is not giving the information, which the Government is about to give him. Well, look, Mr Speaker, at the end of the afternoon, he can say, 'I still do not have this information, can I please have it? Can I persuade you that it does not affect the commercial sensitivity?'

1105 But what is the point of continuing now, when I am telling him that I am about to give him information?

1110 **Hon. P R Caruana:** Mr Speaker, may I make a small point of order, just so that we all know exactly what was said.

If the hon. Member is indicating now, as he has done several times, that in what is left of this afternoon, and the questions, we will get some of the information which we are hoping to get, in answer to the original question, that would be very good news, that would be warmly welcomed and I much look forward to hearing how the rigour of the original answer last time is going to be modified.

1115 Because, of course, Mr Speaker, it is not true as the hon. Members are discussing, on the premise of, that what Mr Bossano said, is only, 'I will not give you the names of the borrowers.' If you look at *Hansard* – I do not have it in front of me right now, but if you look at *Hansard* – what he actually said was, having read the original answer, which is the one that has just been bandied, he said words to the effect of, 'The Government will not account to this House for how the company makes its investments', or something like that. Well, that is a very much wider... I apologise to him if I am not exactly quoting him, but it was words to that effect, and as I say if it is not entirely accurate, it is semantics. That is a much broader implication, and that is what, in my mind, justified the walkout.

1120 Because what the hon. Member meant, appeared to be saying, when he said that the Government would not be accountable in this House for how the company made its investments, is a statement that he was not willing to account in this House on a much broader basis than the names of...

1125 But I am very happy to take the hon. Member's steer, indication that that position – which we may have misinterpreted, although I do not think so – but whether it was interpreted correctly or not, is going to be put into context in the rest of these answers.

1130 **Mr Speaker:** Next question.

**Hon. D A Feetham:** Mr Speaker, I have some more supplementaries in relation to.... [Inaudible] It is a different point –

1135 **Mr Speaker:** On other aspects of the matter? Very well.



1140 **Hon. D A Feetham:** Mr Speaker, just examining the relationship between the Gibraltar Savings Bank, and Credit Finance: now we know that £344 million has been invested by the Gibraltar Savings Bank, by way of subscription in preference shares in Credit Finance, and that the return is a return of 6% on those preference shares. The money, I assume – it must be the case, but I would like the Government to confirm it – the money is still within the Gibraltar Savings Bank, and effectively, it must be on an on-call account, does the Hon. the Chief Minister know what return is provided to Credit Finance Company for obviously then depositing the money back with the Gibraltar Savings Bank?

1145 **Hon. Chief Minister:** Mr Speaker, I have said repeatedly that there are questions on the Order Paper that will deal with this issue. I would invite him to go through the Order Paper and ask supplementaries at the end, including that one.

1150 **Credit Finance Company Ltd; Gibraltar Savings Bank  
Maintenance/refurbishment projects on residential estates**

**Clerk:** Question 752, the Hon. E J Reyes.

1155 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state whether any maintenance/refurbishment projects pertaining to existing private/co-ownership estates are being funded, or the intention is to fund, either wholly or partially, either directly or indirectly, by (a) Credit Finance Company Ltd; or (b) the proceeds of monies deposited in the Gibraltar Savings Bank?

1160 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question, together with Question 754.

1165 **Clerk:** Question 754, the Hon. D A Feetham.

1170 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether Credit Finance Company Ltd, has provided any loans, or payments, to the management company, of any housing estate in Gibraltar, or for the benefit of such an estate, identifying; (a) the housing estate in question; (b) the date of the payment; (c) the amount paid; (d) the terms of repayment including the length of the term of any loan, the interest payable and the security obtained?

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

1175 **Chief Minister: (Hon. F R Picardo):** Mr Speaker, as announced in my Budget Speech this year, the Government has agreed to provide soft loans to residential estates, for funding refurbishment projects.

Approved projects will receive funding, which would be repayable in a period of up to 10 years, at an effective interest rate of 1% interest per annum, with the Government funding the difference in the cost of finance by way of a grant.

1180 The financing of these estates, at commercial interest rates, is being provided by Credit Finance Company Ltd. Government will not, however, give the individual breakdown requested by estate and amount, as that is considered to be commercially sensitive information.

1185 **Hon. D A Feetham:** Well, Mr Speaker, obviously he is not providing the information that I asked in my question of last month, but can he, at the very least, for example, I mean, if we break it down to a very basic level. Can he give me the amount involved per estate, calling one estate *x* and another estate *y* of the monies being loaned to these estates by Credit Finance.

1190 **Hon. Chief Minister:** Mr Speaker, we are not going to give that sort of breakdown, but if he carries on asking me questions this afternoon, and I am inviting him to ask me supplementary questions at the end of this process, he will have a lot more information. It is up to him whether he wants to do that, or not.

1195 **Hon. D A Feetham:** Mr Speaker, I hope that this is not Baldrice's cunning plan, to sort of, gradually pushing the questions to the very end and then we run out of questions. (*Interjection*)

**Mr Speaker:** You may run out of questions on the Order Paper, but I will allow supplementaries on them as may be necessary.

1200 **Hon. D A Feetham:** Yes, Mr Speaker, that is very helpful, thank you very much.

Mr Speaker, does he not accept, therefore, that the statement that he made earlier, with a hint, in our respectful view, of grandstanding, which is his usual style, about the only information that the Government is unwilling to provide is the identity of the borrowers, does he not accept, in the light of the answer that he has now provided, that that is patently not so; that he is reserving to the Government far more information, in circumstances where he has actually prefixed his answer by actually saying the Government has agreed soft loans?

1205 This is a Government initiative. It is a *Government* initiative: the loans have been provided, on a Government initiative – a decision taken by the Government. Does he not accept that, therefore, the answer that he gave was inaccurate?

1210 **Hon. Chief Minister:** No, I do not, Mr Speaker, and we can accuse each other of grandstanding as much as we like.

What I said, Mr Speaker, and again, I wish I had that screen that gives you the immediate *Hansard*, was the identity and the loans, Mr Speaker. Because, look, we think there is commercial sensitivity here. There are different estates, asking for different things. That does not mean, Mr Speaker, that the hon. Gentleman does not have another solution that he can apply. Which means that he can write to every single one of the estates, he can write to the management companies, and if they want to give him the information about the amounts that they have borrowed, it is a matter for them. But we, as lender, Mr Speaker, are not going to give that information.

1215 But this is an apposite moment, Mr Speaker, to reflect on what the hon. Gentleman is talking about. What information is it that he wants, and why does he want it, Mr Speaker?

1220 Look, we are talking about – (*Interjections*) The hon. the backbencher says, from a sedentary position, that it is none of my business why they want the information. Well okay, Mr Speaker, it is none of my business. It is up to them, they can ask what they like – but it is none of his business what I answer, Mr Speaker.

1225 And there they have a resolution available to them: they can write to the very few residential estates that there are in co-ownership, or in private hands, and ask *them* if they are happy to have disclosed the amounts that they borrowed. And if they have that information, Mr Speaker, they can have it, and if they then can ask the estates whether they are happy for that information to be shared by them, publicly, then that is a matter entirely for them, Mr Speaker. They are the borrower, they can have that information disclosed.

1230 Our point of view, Mr Speaker, is that this is commercially sensitive information, from the point of view of the lender.

1235 But, what I am saying to him, Mr Speaker, is if he carries on asking me the questions, he is going to get a lot of information. It is not the information of who the borrower is or of the loans – he is not going to get that. But he is going to get a lot more information, and if the substance of what they have said in their press releases is what they really do care about, then they will find, Mr Speaker, that there is not much to worry about. (*Interjections*)

1240 **Hon. D A Feetham:** Mr Speaker, he again started his answer, by saying, and I quote him, ‘we as the lender’. Mr Speaker, that betrays the artificiality of the Government’s position and the Hon. the Minister for Employment’s attempt, last month, and indeed the Government in its subsequent communiqués, of actually seeking to create the impression, that Credit Finance Company Ltd somehow is at arm’s length from the Government, (**A Member:** Hear, hear.) which patently it is not. (*Interjections*)

1245 But, Mr Speaker, I started a supplementary, I asked a supplementary earlier on, and the Hon. the Chief Minister said that he was going to answer as part of subsequent questions. The point of that supplementary was to effectively look at, and examine, how the Opposition assesses the risk of the investment made in Credit Finance Company Ltd, from this point of view.

1250 But of course, the money from Credit Finance Company Ltd is being lent to third parties, or is being invested in third party projects. Now if we do not know, for example, the amounts, how can we assess the ability of Credit Finance Company Ltd, as an entity, to actually repay back to the Gibraltar Savings Bank, and how do we then assess whether there is a solvency risk, in relation to Credit Finance Company Ltd, for which the Government then, ultimately, has to pick up the tab, by way of the guarantee, that it has provided for savers’ money? Can the Hon. Chief Minister perhaps shed some light on that, and assuage the Opposition’s concerns in relation to that?

1255

**Hon. Chief Minister:** Mr Speaker, the fact is that they are not in Government; they are in Opposition, and there are a lot of decisions that we have to make about spending money which they are not able to micro-manage.

1260 For example, Mr Speaker, they cannot micro-manage how we spend on Commonwealth Park. They are entitled to see exactly how much we spent, and we have gone further and said, we will give you the final costs of Commonwealth Park and we will give you our estimates, as we were going on, as to what some things might cost, so that you can see whether we were able to bring things in for less than the estimate, or whether it cost us more than we estimated.

1265 Mr Speaker, in relation to this issue of Credit Finance, does he think that people do not realise, Mr Speaker, that we have spent the better part of an hour and three quarters now, answering questions about what Credit Finance will or will not finance, and that therefore he has caught me, when we have said 'we', well how could I have credibly answered any of these questions about Credit Finance, if we did not have some responsibility for it, and some control of it? Mr Speaker, it really is almost as if he is trying to make a point which is not relevant.

1270 But I will put the opposite consideration to him. He is talking, as he always likes to do, about solvency risk. Of course, Mr Speaker, that is a language that could cause people concern. But let me invert that question. What if there is, at the end of this process, as a result of the prudent investment of these monies, actually massive profit – if Credit Finance Company Ltd does so well for the Government that there is actually massive profit? I have heard somebody on the other benches, opposite, say that is irrelevant. Well, how can it be irrelevant?

1275 Mr Speaker, if all they want to do is, every month, put Credit Finance Company under the microscope, then the result of what they might see is that it is growing and becoming more and more profitable, and delivering an investment that is able to help with the liabilities of the Government – and then what, Mr Speaker? Then what? Then the solvency risk will not be referred to again? Then this systemic problem for the Government finances will have disappeared?

1280 Well, Mr Speaker, the fact of the matter is, that they are not the ones who are going to be making decisions about what Government invests in, whilst they are in opposition, and it may be that they are going to be in opposition for a very long time, and even forever. Because it may be that they never form a Government again, if other parties spring up. Look, that is not an issue on which we can have a debate. There is not a point of crystal ball gazing on those issues. Today, we are the Government, we make these decisions.

1285 He does not need to worry, Mr Speaker, about Credit Finance being anything other than an instrument of profitability for the Government, which is going to deliver great things for this community, and not invest in any of the things that we have already been asked about, and which it is not going to invest in.

1290 Now, if he will allow me, Mr Speaker, I am going to give him just a piece of very easy advice. It is not advice about how he should conduct his politics, or anything like this. It is just procedural, for today, Mr Speaker. Can we please get through all the questions that are left on the Order Paper, and have the debate – or rather Mr Speaker, the exchanges – at the end, when all the information that we are prepared to give is out there? That would make it easier for everyone.

1295  
**Hon. D A Feetham:** Well, Mr Speaker, if the statements that he has made to this House today, and that the Hon. the Minister for Employment and Inward Investment has made to the House today, are called 'answers', or he refers to them as 'answers to questions', the reality is that he has a fairly elastic view of what answers to parliamentary questions are, Mr Speaker.

1300 Mr Speaker, the reality is that the Opposition *cannot*, it cannot accept the Government's word for it. The Government has been dragged, protesting all the way, in order to get any kind of information from the Government about this. The Government refused to answer. On the Sunborn, in March of this year, when I asked about, whether the Government had either directly or indirectly provided any financial assistance to the owners of the Sunborn, he said no, and then a day after the by-election, we found out that there was a loan provided to the Sunborn.

1305 On Credit Finance, one would have expected that if the Government is investing £344 million of savers' and taxpayers' money in a company that is then being used in order to provide loans to housing estates, to individuals, that the Government would have come to this House and would have in this House explained the policy. But the Government kept it secret, and it is only because of the diligence and the questions asked in this House by the Opposition, that we found out that the Government is doing what we now know that the Government is doing. And now the Government is refusing to provide us with the information that allows the Opposition to do its job and to assess the risk that not only the Government is placing to savers' money, but more importantly, in my view, the guarantee, the taxpayers' guarantee, and the footage of the bill, ultimately, by the taxpayer, should some of these investments go pear shaped.

1310 Does he not accept that, if he does not provide the Opposition with the most rudimentary information, which includes the loans – the size of these loans that are being provided, the dates when these loans have been provided, and the terms and the security – then it is not possible for the Opposition to formulate a

1320 view about risk, and therefore it is not possible for the Opposition to make a statement, publicly, saying, 'Well, we are persuaded by the Government. Mr Picardo has persuaded us, in Parliament, that there is no risk to the taxpayer, there is no risk, because this guarantee, ultimately, will not bite because this investment is safe'? Does he not accept that?

1325 **Mr Speaker:** It does not seem to me that the Chief Minister is going to be successful in his endeavours to get the Opposition to move on to the remaining questions. Therefore, we are going to continue to take each question as it is on the Order Paper, and I will judge what are the supplementaries that are pertinent and may not be pertinent, and I will judge when I should bring matters in each question to an end.

1330 **Hon. Chief Minister:** Mr Speaker, I am, as you know, a proponent of the view that whatever one's office may be on this side of the House, and what it may mean outside of here, in this place the most powerful man in the Parliament is the man who sits in your Chair, so of course, I think that is going to have to be the way that we deal with it. I do not dispute that you will therefore have to now arbitrate, in respect of supplementaries and how they go on.

1335 I will deal with the issues that the Hon. the Leader of the Opposition has raised.

Well look, Mr Speaker, he says we have an elastic view of what an answer is. Well, he must have an elastic memory, as to what 'protesting all the way' has meant. He says that the only reason that the community knows about Credit Finance is because of their diligence in finding out something that was secret.

1340 Well, Mr Speaker, 'secret' has a meaning. It has an ordinary meaning in the English language. It does not extend to things which are filed in public – like, for example, the creation of a company called Credit Finance; for example the filing of mortgages granted by Credit Finance. So how can it be, Mr Speaker, that things are secret and have been uncovered by the Opposition, when in fact they have been filed on public record? It does not seem to me, Mr Speaker, that it is me or this Government that has the elastic definition of 'answer'. It seems to me that the hon. Member seems to have a fairly elastic definition of 'secret'.

1345 It is almost as if this diligence that he speaks of is as much diligence as coming home three days earlier from holiday on a return ticket can be described as a contingency plan, to return in the event of a crisis, as he described his heroic return to Gibraltar in August, to tell us all that he would remove the artificial reef.

1350 Well, Mr Speaker, let me deal with this question of what will happen if the taxpayer has to foot the bill, and their ability to understand systemic risk in that way. What will happen if the taxpayer actually garners a very healthy profit indeed from the administration of Credit Finance Company Ltd's affairs? Will he then get up in this House and welcome, probably weeks before a general election, the work done by the Government and by those responsible for Credit Finance Company Ltd, because it will have produced a profit for the taxpayer? Will he do that? Will he give an undertaking today, Mr Speaker, to congratulate Credit Finance Company Ltd, its directors and the Government as its shareholder, if huge profit is produced, as a result of the project that has been embarked upon, as I have no doubt that it will?

1355 Well, Mr Speaker, I wager that he will not, and in fact, having heard Members from a sedentary position say no, I am happy to – (*Interjection*) I am happy to make that bet, because it is clear, Mr Speaker, that all they are interested in, in respect of Credit Finance, is spreading some suggestion of risk and fear, where there is absolutely no reason to do that.

1360 Although he will not listen to me, Mr Speaker – I will give way, just before I sit down – although he will not listen to me, Mr Speaker, there are two more sets of questions on the Order Paper, there are two sets of questions I will take together – one I will take on its own, which I think is an irrelevance – which will give him more information, and perhaps, based on that information, he might be prepared to start considering giving that undertaking. (*Interjection*)

I give way to the hon. the backbencher.

1370 **Hon. P R Caruana:** Mr Speaker, I would like to answer the hon. Member's challenge of whether I, at least, would congratulate him, if Credit Finance Company make huge amounts of profit. The answer is that I would do two things. First of all, I would congratulate him for Credit Finance having made huge amounts of profit, and then I would condemn him for slaughtering parliamentary democracy in the process. (**Hon. D A Feetham:** Absolutely.) (*Banging on desks*) Because these are two wholly different things.

1375 The question is not whether Credit Finance makes profit or does not make profit. I hope it makes a huge amount of profit. But whether it makes profit or not is not what determines whether Parliament should have information.

1380 Parliament is entitled to have information about the public affairs of Gibraltar, in my increasingly unimportant opinion, whether it is profitable or not, and that gauntlet that he throws down, about 'wait to

see how much profit it makes' is a monument to the very concern that we have, which is not about the profitability of Credit Finance, but about the role of this Parliament, and the Opposition's right to do all that it can – which is not much, evidently – to ensure that Parliament is not ridden roughshod over, finessed, circumnavigated, by the way in which the Government answers these questions. (A Member: Hear, hear.) (*Banging on desks*)

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1390  
Would the hon. Member acknowledge this to me: under the Standing Orders the hon. Members are accountable in this House – of course, he can refuse to answer questions. The Speaker cannot make him answer questions. He can refuse to answer questions, and then suffer, if any, the political consequences of refusing to answer questions. That is a different matter. But he cannot stand up and say that he is not obliged, that we are not allowed to ask the questions, as if the questions were somehow inappropriate.

1395  
Well, Mr Speaker, any question addressed to the Chief Minister, or a Minister, shall relate to the public affairs with which he is officially connected, or to a matter of administration for which the Government is responsible. Is the hon. Member saying that there are civil servants, on a frolic of their own, doing things with huge amounts of public money and liability, with which no Minister is connected, and for which no Minister is responsible, and that the acts and decisions of civil servants are not the public affairs of Gibraltar? And then it is not a slip of the tongue... When he said 'we', it was a slip of the tongue –

1400  
**Hon. Chief Minister:** No, it wasn't.

1405  
**Hon. P R Caruana:** – but the answer was... Yes, but that was not the only occasion, you see. Just before the 'we' when he said, 'Alright, you have caught me out with the "we"', that could have been a slip of the tongue. His original answer, just before that one, supplementary, was 'the Government has decided to make these loans'. Well, look, if the Government has decided to make these loans, I am not asking about the borrower; I am asking the Government to account in this House for a decision that it has said (*Banging on desks*) in this House it has made, and the hon. Member appears to be of the view that that is not a public affair of Gibraltar with which a Minister is connected.

1410  
**Hon. Chief Minister:** Mr Speaker, no, that is not the case.

**Hon. P R Caruana:** Well, Mr Speaker, then... that's that, I am grateful to him for giving way!

1415  
**Hon. Chief Minister:** Look, Mr Speaker, it is not that I am saying that they cannot put the question, I do not know where he has got that from. Of course they can put the question. But questions which are properly put are sometime susceptible of answers where we do not give all the detail, because the Government makes a decision about commercial sensitivity. That is the debate, Mr Speaker, and I do not know why it is that it has taken the debate there, but in doing so, Mr Speaker, he has accused me, of potentially slaughtering parliamentary democracy.

1420  
Well, look, Mr Speaker, he gives me an opportunity to remind him that he presided over a Parliament that met on two occasions in years where there was a general election, three when there was not a general election, and before the change to the Constitution, *infamously*, on one occasion in one year. Right?

1425  
On those occasions when the Parliament *did* meet, let us look at the tenor of the answers. He will recall that not so shortly before the last general election, I had cause to ask him how it was that his Government had entered into contracts which were clearly contrary to European Procurement Rules. He told me, Mr Speaker, with a bold face, that he would not tell me how he had done that. He told me he would not tell me how they had done that. Well, Mr Speaker, we are not saying that, and if we get to the end of the Order Paper, he will see how much more information is about to come their way about Credit Finance Company Ltd.

1430  
So this is not a question of a slip of the tongue of any description, because with the information they are about to get, they will have a lot more information about Credit Finance Company Ltd and its affairs, which I would not be able to give them, if I was simply saying, 'This is two civil servants on a frolic of their own, and I do not know what is going on there.'

1435  
But, they will not take my advice, Mr Speaker, to go on until the end of the Order Paper. So be it. We will continue to have these battles until we get to the end of the Order Paper, and then they can think up some other ruse for pretending that they do not have information.

1440  
**Hon. P R Caruana:** Mr Speaker, can the hon. Member tell me, what is 'commercial in confidence' about a loan to a Gibraltar housing estate management association, so necessarily there are 13 or 14 people who must – ?

**Mr Speaker:** May I correct the Hon. Sir Peter Caruana, because I have the answer here: commercially *sensitive* information.

1445 **Hon. P R Caruana:** Well, can the hon. Member tell me – I am grateful – what is commercially sensitive about information that is available to the committees of the borrowing estates, who, presumably, have to report to their members who are liable to repay the loan and to pay the interest, so that there will be, sort of, *hundreds* of flat owners that will know about these loans – but it is too commercially sensitive for the Government to tell Parliament? Despite the fact that there will be hundreds of people out there, nattering about it in pubs and bars, on beaches and over dinner, but it is commercially sensitive information.

1450 How is it *capable* of being commercially sensitive information, if the negotiations have already been completed and the deal is done?

1455 Now, if he says to me that it is under negotiation, and it is commercially sensitive until the deal is done, because otherwise it upsets the negotiations, that I accept. But it cannot permanently be – how can this be commercially sensitive? I would really like to understand, by what criteria his definition of commercially sensitive allows him to use it in this factual circumstance.

**Hon. D A Feetham:** Mr Speaker.

1460 **Hon. P R Caruana:** I beg your pardon.

**Hon. Chief Minister:** Go on, okay. I do not know quite which one is the Leader of the Opposition, but –

1465 **Hon. D A Feetham:** Will you give way?

Mr Speaker, my question was related to that, and perhaps I can ask it, and the Hon. the Chief Minister, rather than my getting up afterwards...

1470 The question is this – (*Interjection by the Hon. Chief Minister*) The question is this... Well, thank you very much. The question is this – (*Interjection*) what is commercially sensitive about the amount of the loan? Without identifying the recipient of the loan – in other words, just the amounts of the loan – can he explain so the public understands his idea of commercially sensitive in that context?

1475 **Hon. Chief Minister:** Mr Speaker, look, I think the question is actually the identical question, from both of them, but I will deal with it as it was much more eloquently put by the Hon. Sir Peter Caruana, in the context of answering that question.

1480 Look, it is very simple. We consider – and I use the ‘we’ advisedly, not as a slip of the tongue – that Credit Finance Company Ltd behaves as a lender should behave. It is a licensed money lender. Lenders do not go around talking about who they have given loans to; but borrowers may. So in other words, I know they do not like the context of the banking analogy – I accept that banks are regulated in a different way to money lenders – but let us just understand, for the purposes of this particular question, that borrowers and lenders have different obligations under loan agreements. Lenders do not disclose the details of their lending to borrowers. Borrowers are sometimes quite free, although the document may actually also restrict a borrower’s right, borrowers are quite free to go around and tell people what they have borrowed.

1485 So, if I can just put it in this way, so the hon. Gentleman understands my thinking on this, so this is what he has said. He wants to understand, I have no doubt that he will denigrate it once I have sat down. I can go into a bank and borrow money, and so can he, and we could borrow it for different purposes. I may decide I do not want it disclosed, for whatever myriad reasons. He can walk out, and tell any of his friends he meets, ‘I have just walked into bank x, they have given me a loan to buy a new car, in the sum of £20,000 at 6% interest, aren’t I lucky?’ The bank manager, the same person – let us assume we both went to the same bank – when he walks down the street cannot give that information. It is all confidential, it is commercially sensitive information, it is confidential. Right. In fact, he would be in breach of his obligations if he did.

1495 What we are saying is that Credit Finance behaves like a lender. It is that simple, but when we get to the end of the Order Paper, they will have more information about what it is that Credit Finance is doing, and how it is doing it, which is not the individual loan information. That, I think, Mr Speaker, should give him the comfort of understanding, why it is that we are taking this attitude.

I have no doubt that having been that transparent about it, as soon as I sit down, I am going to be called every name under the sun.

1500 **Hon. P R Caruana:** Mr Speaker, it is not necessary to call him any name under the sun, because the arguments speak for themselves, and Mr Speaker has asked us, and I am determined to do as he asks, that we should have a mature discussion about what is a very important issue. And it is only because I think it is a very important issue – I could be wrong, but I think it is a very important issue that I am participating in this debate at all.

1505 Mr Speaker, what the hon. Member has just described, by way of analogy, may be true of Barclays  
Bank, or some other bank, and a customer. But can I invite him to take the view that it is not an  
appropriate or applicable analogy for a lending decision that has been taken by a Minister of the  
Government, and that those two situations are not comparable. In other words, although it may be  
1510 legitimate – indeed I agree with his legal analysis – probably a requirement of banking confidentiality that  
the manager of the bank does not go to the golf club on Saturday and tell all his golfing partners about the  
people he has made loans to – that is hardly comparable to a government, *it* deciding that the Savings  
Bank, that the Finance Company will make loans to Varyl Begg Estate, or to Waterport Terraces, or  
whoever, just to use hypothetical examples, and then is not going to tell this House that *it* has made that  
1515 decision – not that the manager of Barclays Bank – that *it*, the *Ministers* have made this decision, because  
it is commercial in confidence.

He may want to argue that the ministerial decision is commercial in confidence as well, but not for the  
same reasons as the manager of the bank, because one is a public affair – namely, a decision of a Minister  
is a public affair, and he can argue, even though it is answerable under Standing Orders, that he is still not  
going to answer it, because he thinks it is commercial in confidence, but he cannot say, ‘I am not  
1520 answering it because it is not a public affair, because I am not accountable for it, just as the manager of  
Barclays Bank is not accountable for it.’ That is a qualitative difference which goes to the very core...  
That distinction that I have just drawn for him goes to the very core of my personal concern, about the  
consequences of all of this situation, for the ability of this Parliament to do its work, now and in the  
future.

1525 And I am sorry, I am not the world’s most articulate person, but I am not the world’s most inarticulate  
person either. I cannot think of another, a different formula of words, to try and convey to him the nature  
of my concern, what I am concerned about, and what I am not concerned about, and if he wants to  
continue to obfuscate the differences, that I am trying to draw to his attention, let him do so. But, I cannot  
1530 honestly think that my expressions of view, will prosper by simply choosing another formula of words. If  
he is determined to argue that it is appropriate for Ministers to make decisions, and then not be willing to  
inform parliament of what decisions they have made, involving public monies, then we have an  
irreconcilable difference about what the role of Parliament is, and what is objectionable and injurious to  
that role, and what is not, and we will just have to live with that difference.

1535 I beg your pardon, thank you.

**Hon. Chief Minister:** Well, Mr Speaker look, this is not about who is more or less articulate or about  
obfuscation. Disagreement is not obfuscation. The fact that we have different views does not mean that  
one of us is necessarily obfuscating, because he does not give the detail that the other insists he must be  
able to persuade anybody else of the detail.

1540 I would have thought, Mr Speaker, that he would have understood the point I made about his  
relationship with another individual, a personal relationship with another individual, which led to a  
number of consultancy agreements being entered into, which I put to him, when he was sitting in my seat,  
were entered into contrary to European Procurement Rules, Mr Speaker.

1545 Now, look, at that time, he was much less generous in the way that he agreed or disagreed with my  
legal analysis. At least this time, he has said that he accepts my legal analysis, and the issue is, and I  
understand from him – (*Interjection by the Hon. P R Caruana*) and I understand from him, the issue is, in  
one instance you are dealing with a commercial bank manager; in another you are dealing with a  
Minister. ‘The Minister in Parliament is accountable, why are you not giving the answer?’

1550 I understand the analysis; let me take him to the next step. It is very simple. Credit Finance Company  
Ltd is designed, as I said on 5th July in the context of the interview that I gave to the *Gibraltar Chronicle*,  
to operate a little bit like a sovereign wealth fund. In other words, it is designed to make profit. Therefore,  
Mr Speaker, what is it that makes the bank manager not disclose the information? It is two things: the  
duty of loyalty to the customer and the right of the customer’s confidence; and second, that of course he  
1555 wants to lend in order to make profit, and therefore he does not disclose to others what he may have lent,  
so that they continue to come to him for lending.

In the context of this structure, the persons responsible for making decisions are not going to go  
around telling everyone what they have lent, and to whom. Now, those who borrow may do so, and he is  
right, in the context of some estates, Mr Speaker, the borrower may actually have, as an obligation under  
their constitution, to have disclosed to 400 tenants what their loans are in their accounts, because the  
1560 tenants are all paying them as part of their service charges. But that does not mean that the lender can  
disclose it.

1565 So let me take the example one step further. I gave him the example of him and me walking into a  
bank. Say that he and I have actually reconciled all our differences – there are not that many at a personal  
level, I am sure – and we end up on the board of a management company of an estate. We walk in  
together – ‘perish the thought’, I hear him think! – we walk in together to a lending institution, and we  
sign up and borrow that amount that we need in order to refurbish our estate. We walk out, and we tell the

400 people who have flats in our estate. The bank manager *still* cannot tell, even though 400 other people have been told by us.

1570 In this context, what we are saying is we are going to operate in the same way. Now, when we get to the end of the Order Paper, you will see that there is a lot more information than a bank manager would give, but we are still just not getting there.

1575 Now, I would like to think, Mr Speaker, that for somebody who did not tell me how it was possible for him to have entered into agreements, which were clearly contrary to EU Procurement Rules, and which resulted in large amounts of money being paid, as fees under those agreements, also public money, also issues which he was accountable for here, which did not produce profit for our community, I think he has to cut me a little bit of slack, when what I am saying to him is, I am producing profit for the taxpayer with this sort of structure.

1580 **Hon. D A Feetham:** Well, Mr Speaker, he says he is producing profit but, of course, there is no way in which the Opposition can possibly assess either profit or risk or anything else to do with this particular structure. We certainly do not accept that this structure is analogous with a sovereign wealth fund. A sovereign wealth fund is where a country invests its own sovereign wealth, its excess sovereign wealth, for example from oil or minerals, into a fund, which invariably it then invests outside the country, because it does not invest it inside the country, because it does not want to create rampant inflation within  
1585 the country, unless –

**A Member:** Completely at arm's length.

1590 **Hon. D A Feetham:** And is completely at arm's length, absolutely, and unless the Government is treating savers' money as its own wealth, then it is just not apposite at all.

But, Mr Speaker, the Hon. the Chief Minister still has not answered my question, because he has not provided – I quite understand his reasoning, flawed as it is, for not providing – the identity of the borrowers. But what he has told me in answers to questions today is that the Government has cause for loans to be provided to housing estates for their refurbishment, etc. What I still do not understand, and  
1595 what he has not explained, is why there is any commercial sensitivity in the actual size of the loans provided, so at the very least the Opposition can have that information and say, 'Well, we know that the Government has provided a loan to three estates and the loan is £80,000 to one, £3 million to the other and £4 million to the other.' Where is the commercial sensitivity in providing us with that information, at least?  
1600

**Hon. Chief Minister:** Mr Speaker, I am having difficulty working out who is the Leader of the Opposition, this afternoon. But anyway, dealing now with the points that Mr Feetham makes –

1605 **Hon. D A Feetham:** I have the same problem with the Chief Minister, I have to say. (*Laughter and banging on desks*)

**Hon. Chief Minister:** Do you? If he has a problem working out who the Chief Minister is, Mr Speaker, he should know that the Chief Minister of Gibraltar has an office, it is 6 Convent Place, it now has a fabulous entrance and he will find me there every day and actually, there is a very helpful sign prepared by the Parliament, which is put in front of the people who sit on this side of the House. (**Several  
1610 Members:** Ooh!) But anyway –

**Mr Speaker:** May I say that when hon. Members start making clever remarks, they really lower the tone of Parliament.  
1615

**Hon. Chief Minister:** Thank you very much indeed, Mr Speaker.

I may now be allowed to continue. Now, Mr Speaker, I have explained, repeatedly, what the thinking is. Now, he always describes anything that he does not agree with as 'flawed'. Well just because he says it is flawed, and just because he repeats that it is flawed, does not mean that it is. But if it makes him feel  
1620 happier, I am quite understanding of his need to repeat remarks like that.

Our rationale is simple and straightforward. We are behaving here as *lender*. The *lender* does not disclose who it lends to. The *borrower may*.

Now, Mr Speaker, in that context, he can find out from a number of borrowers what it is that they have borrowed from us. But actually, by the end of this afternoon – if we actually get on to this process –  
1625 he is going to have a lot of information about what Credit Finance Company Ltd is doing, just not that specific information about the specific loans. That is all.



**Mr Speaker:** We are now beginning to cover the same ground again, and in the remaining questions, I am not going to allow, in the course of supplementaries, the same ground to be covered. I will allow new supplementaries, but not about the same subject.

1630 Next question.

1635 **Credit Finance Company Ltd**  
**FSC rights or obligations to Government**

**Clerk:** Question 756, the Hon. D A Feetham.

1640 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether Credit Finance Company Ltd has taken over, or it is intended to take over, any right to receive payment or any other financial obligation of the Financial Services Commission to the Government, in respect of any monies made available to the Commission by the Government?

1645 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, Credit Finance Company Ltd has not taken over, nor is it intended it should take over, any such rights.

1650 **Credit Finance Company Ltd**  
**Government arrears**

1655 **Clerk:** Question 757, the Hon. D A Feetham.

1660 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide details of all arrears that have been due from individuals or corporations to the Government, which have been repaid by those individuals, or by Credit Finance Company Ltd, from the proceeds of monies provided either directly, or indirectly by that company, broken down by reference to: (a) the identity of the individual or corporation; (b) the amount paid in respect of each individual or corporation; (c) the type of Government arrears; (d) the date on which each amount was paid; and (e) whether those individuals or corporations have been required to enter into a loan, or other type of contractual arrangement with Credit Finance Company Ltd, together with details of the repayment period, interest payable and security provided in each case?

1665 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 758.

1670 **Clerk:** Question 758, the Hon. D A Feetham.

1675 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a list of all types of Government arrears in respect of which it is intended either now, or in the future, that Credit Finance Company Ltd should provide funding, in whatever form, to individuals or corporations, to allow for the repayment of those arrears to the Government?

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

1680 **Chief Minister (Hon. F R Picardo):** Mr Speaker, loan agreements by Credit Finance Company Ltd are commercially sensitive and details of names of individual entities cannot therefore be disclosed.

Funding is being provided by Credit Finance Company Ltd to assist debtors in meeting historic Government arrears of commercial rent, rates and electricity charges in those cases where the loan agreement can be backed by added security which is not available otherwise to Government, and a more structured recovery plan can be put in place.

1685 No such funding is being provided in respect of individual taxation liabilities or corporation tax liabilities.

**Hon. D A Feetham:** Yes, Mr Speaker.

1690 Can the Hon. the Chief Minister provide us with, for example, a total figure of Government arrears that have been funded through Credit Finance Company Ltd?

**Hon. Chief Minister:** Mr Speaker, I do not have the exact figure, but I think it is just under a million pounds.

1695 **Hon. D A Feetham:** Can the Government provide a figure, that million-pound figure, broken down in relation to the Government arrears, the type of Government arrears and whether it is an individual or a company, for example, without identifying the individual or company concerned?

1700 **Hon. Chief Minister:** Mr Speaker, I would not have any difficulty providing him with a schedule that shows that.

**Hon. D A Feetham:** Well, Mr Speaker, does he undertake to provide me with that information?

1705 Now of course, if he undertakes to provide me with that information, what is the difference – and I have been asking the question, I asked it a number of times *ad nauseam* – what is the difference between the provision of that information and providing me with, for example, the amount of the loans provided to each housing estate where the Government has caused loans to be provided to those housing estates, without identifying the housing estate?

1710 **Hon. Chief Minister:** Mr Speaker, it is very simple, because the information I am going to give him here, I am going to give him as Government, as receiver of this revenue. In other words, I am going to tell him, as the Government, I have received these amounts from Credit Finance and I will give it to him in the way that he wants.

1715 But in relation to the estates, Mr Speaker, we are not just dealing with arrears; we are dealing with a lot of other issues that estates are funding, not Government arrears. So the information I am going to give him, and which I have said I have no difficulty providing the schedule on, Mr Speaker... He has asked me to undertake that I will. Short of forgetting, but people are listening to this debate, so they will already have started to prepare it. I will ensure that it is provided to him as soon as possible in the next few days.

1720 It is a schedule of receipts by Government. I am not going to give him a breakdown of names, etc, as I have told him, but I am going to give it to him in the way that he has requested, because I think he can have that and I am going to give it to him, as the receiver of that revenue, not as the lender.

**Hon. D A Feetham:** So effectively, the distinction that the Hon. the Chief Minister is drawing is he is providing me the information because the Government *receives* from Credit Finance – ?

1725 **A Member:** Not from Credit Finance, from the lender.

1730 **Hon. D A Feetham:** Well, Credit Finance lends the money to the lender... (**A Member:** The debtor.) To the debtor. It can either pay directly to the Government, or pay it to the debtor and then the debtor pays the Government – effectively. So the distinction is that the Government is receiving that money, but the Government will not provide the information, where effectively the Government is causing Credit Finance, because ultimately it is the Government that makes the decision – just so that I understand it. The Government will not provide the information, where the Government is causing Credit Finance to lend to a third party or to invest in a third party.

1735 Where that is the position, the Government will not provide the information. It will only provide the information if the Government is receiving the money. Is that correct?

**Hon. Chief Minister:** No, Mr Speaker. Credit Finance lends to borrowers. What borrowers then do with the money is up to borrowers, subject to Credit Finance having approved it, because as any lender, it approves the purpose of a loan.

1740 This question which he has asked and which I am prepared to give him the information in the context that he has asked it for, is making the Government the receiver of revenue. That revenue always comes from an individual. It is never going to come from Credit Finance, even if the money originates with Credit Finance. But I am going to give him the breakdown of the amounts received, by Government, in respect of these amounts where we know that the money originates with Credit Finance. We are going to give him that as receivers of revenue. As receivers of revenue, not as lenders – that is the distinction. I have explained it once. I do not think he needs to have it explained twice, but for some reason, he wants to emphasise the distinction.

1745 It is really quite different, once the Government lends to somebody, what that borrower does with the money, as long as it is an approved purpose, may not be money destined to come back to Government. It

1750 will go to another purpose. He has given the example of the estates. He will know that some of the  
estates, and I have said so, are structuring loans which enable them to pay Government arrears, but they  
also do other things with the loans. We are not going to be giving him in this schedule, what it is that the  
estates are doing with the full amount borrowed from Credit Finance, for example. We are going to tell  
1755 him, in the schedule, 'x amount has been received in respect of this arrear of Government revenue', as  
receivers of revenue, and that amount will be less than a million pounds, which is what he asked me  
before.

1760 **Credit Finance Company Ltd**  
**Payments made to individuals and corporations**

**Clerk:** Question 759, the Hon. D A Feetham.

1765 **Hon. D A Feetham:** Mr Speaker, apart from Government arrears, can the Chief Minister please  
provide details of all payments made to individuals or corporations, by Credit Finance Company Ltd,  
from the proceeds of monies provided either directly or indirectly by that company, broken down by  
reference to (a) the identity of the individual or corporation; (b) the amount paid in respect of each  
1770 individual or corporation; (c) the reason for the payment; (d) the date on which each amount was paid and  
(e) whether those individuals or corporations have been required to enter into a loan, or other type of  
contractual arrangement, with Credit Finance Company Ltd, together with details of the repayment  
period, interest payable and security provided in each case?

1775 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question  
760 to 762.

1780 **Clerk:** Question 760, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister please state what is the total amount of money paid out  
by Credit Finance Company Ltd, since its incorporation?

1785 **Clerk:** Question 761, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister please state whether any commuted pensions of civil  
servants are being paid by Credit Finance Company Ltd?

1790 **Clerk:** Question 762, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Chief Minister please state the amount of any loans made by the  
Government, Credit Finance Company Ltd or any other Government-owned company, as at 14th  
November 2013, to the owners of the Sunborn?

1795 **Clerk:** Answer, the Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, as the House is aware, all Civil Service pensioners are now able, if  
they so wish, to commute 100% of their pensions. They are able to do this by assigning their pension  
payments to Credit Finance Company Ltd, the pension payments continue to be paid out of the  
1800 Consolidated Fund. As at the end of October 2013, total loans issued by Credit Finance Company Ltd  
amounted to £38.6 million. The Government will not give a breakdown by identity of individual  
borrower, as these details are confidential.

1805 **Hon. P R Caruana:** Mr Speaker, will the hon. Member say what are the payments that have been  
assigned to Credit Finance, if the Government occupational pension scheme is a non-contributory  
scheme?

1810 **Hon. Chief Minister:** The amounts of pension that would be paid to the civil servant that commutes.  
The civil servant assigns the pension payments due to him.

1815 **Hon. D A Feetham:** Yes but how... Yes but... you see... I mean effectively, what we are dealing with here is a civil servant from a... There is no defined pot of money, it is non-contributory. The Government pays non-contributory pensions of civil servants. How is this structured, as between the Government and Credit Finance? How is Credit Finance actually making its money? Is the Government effectively assigning...? Is Credit Finance making one lump payment at the start and then the Government then pays to Credit Finance instalments...? How is it all structured? How is Credit Finance actually making its money in relation to this?

1820 **Hon. Chief Minister:** Mr Speaker, I would have thought it was very straightforward. Credit Finance makes the lump sum payment which is the equivalent of the commutation, in exchange for the civil servant assigning his right to receive his pension payments. So you make the pension payments that you would make to the civil servant as you would in the normal situation, namely until the civil servant dies, but the civil servant gets the lump sum up front. That is how Credit Finance makes its money, it is not difficult.

1825 **Hon. D A Feetham:** No, because implicit in what you are saying is effectively that the commutation... the pension is being paid up front, and then what the civil servant was entitled to receive is then paid by the Government to Credit Finance Company Ltd. But unless there is a matching of payment, and therefore effectively the payment into Credit Finance, and the payment out from Credit Finance is neutral in terms of making money for Credit Finance... Credit Finance must be making money somehow, otherwise why is the Government actually structuring it in this particular way? Unless, of course, the Government is structuring it in this particular way, because it is effectively using Credit Finance – which is a point that we have made publicly – is effectively using Credit Finance as a source of cash flow for the Government, which of course makes it also objectionable, because Credit Finance is effectively using the monies of savers in order to pay a lump sum out to civil servants, and then the Government periodically in the future, makes good on that payment.

Can he explain how this is actually going to work?

1840 **Hon. Chief Minister:** Mr Speaker, he and I have different opinions that we have expressed repeatedly as to each other's capacity to understand, but I think I have explained it very clearly. Now, he may not work out what that means, but Credit Finance Company Ltd makes available a lump sum to the pensioner, who wishes to take up that opportunity of commutation, right? In exchange for that, the pensioner assigns the payments of his pension to Credit Finance.

1845 **Hon. J J Bossano:** To pay off the amount.

**Hon. Chief Minister:** It is really quite straight forward, Mr Speaker.

Now, the individual would be receiving that pension until he passes away, and it will be going to Credit Finance for the whole of that period. That is what commutation is about.

1850 If we were to do it in a different way, let me just take the hon. Gentleman to another example. If we were doing this absent Credit Finance, commutation is about an actuarial exercise, it is a calculation. There will be a calculation as to what the commutation is – that has already been published, I think it is  $x$  years, that amount is paid – and the Government, in that context, saves the amount. In this context, it is paid to Credit Finance, the pension is paid to Credit Finance.

1855 I have explained it; I do not think I need to explain it again.

1860 **Hon. D A Feetham:** Mr Speaker, no, he has not. No, if you are paying a Civil Service commutation of pension, you are effectively commuting that pension, you are paying out a lump sum to a civil servant from effectively what is a non-contributory pension – there is no fund. The Government is paying for that civil servant's pension.

1865 Here, what appears to be happening is that Credit Finance is paying out of the funds that the Gibraltar Savings Bank has invested in Credit Finance. Now, unless what you are telling me is that the Government effectively pays the same amount, the same amount that Credit Finance pays the civil servant into Credit Finance, it seems a very tortuous, circular way of structuring it. Unless of course what you are doing – and this is my question now – is that effectively Credit Finance is paying out, but the Government is only paying to Credit Finance, periodically, parts of that money that Credit Finance...

Because if that is not the case, what is the point of Credit Finance paying out to the civil servant, when the Government can make the payment directly out?

1870 **Hon. Chief Minister:** Mr Speaker, I have explained how it works, and I have explained how it works precisely.

1875 He is now saying that the Government is not paying and it pays only periodically. No, the Government is paying the pension, as it would the pensioner. But the *pensioner* assigns the right to receive the pension to Credit Finance. Credit Finance receives the pension every month and it pays the commutation lump sum up front to now not the pensioner, the 'commutee', so to speak. It is very straightforward.

**Hon. P R Caruana:** Mr Speaker, can I ask two questions together, so that he can answer?

1880 First of all, when the Government pays a civil servant a pension, until the changes that were recently introduced what he could commute, effectively, was a proportion of the pension, and the rest of the pension, I think about 75% or something like that, was paid out in monthly payments, which cease if the pensioner dies, except in respect of those very few pensioners that were covered by the Widows and Orphans Pension Scheme.

1885 So, as I understand it, if I am correctly understanding the arrangement that the hon. Member has described, Credit Finance is going to, using its monies, which are in part savers' money, commute, to pay the commutation, to pay the lump sum just to use simple language. And then, as I have understood what he has explained to me, the Government is going to pay to the Credit Finance, the monies that would have been payable to the pensioner on a monthly basis, had he not commuted.

1890 But those pensions would end when the pensioner dies, so presumably if Credit Finance with savers' money commutes my parliamentary pension, when I eventually give him his wish and give up my seat, and I commute my pension, if I die the next day, (*Interjection by Hon. Chief Minister*) Credit Finance Company would be receiving no payments from the Government, because there are no payments payable when the pensioner...

1895 Well, Mr Speaker, I am happy to debate with the Chief Minister and with you, but it is unequal arms if I debate with you, at least in this Chamber!

First of all that is one thing. Now, in terms of the mechanics, how under the existing pension scheme, under the Pensions Act, how would the Government continue to make payments to Credit Finance after the pensioner has died, when the Pensions Act says that no pension is payable after the pensioner has died? That is supplementary number one.

1900 Supplementary number two is this. Given that pensions are presently a charge on the Consolidated Fund, and therefore come out of revenue and are regarded as expenditure, and therefore affect the size of the Government's surplus or deficit on the budget, it is not what the hon. Member has described, simply a way of relieving the Government's budget of a liability, thereby flattering the size of the surplus, whilst assuming the liability using capital as opposed to revenue? It is just transferring to the capital account, what the law says is a charge on the revenue account of the Government, and to boot, using savers' capital to do it, not even Government capital.

1910 **Hon. Chief Minister:** Mr Speaker, there is no boot to speak of. (*Laughter*) It is actually very clear. There is no question – (*Interjection*) Very clear indeed but not as clear as he thinks it is; it is clear in the other direction, Mr Speaker. You see, it is very simple. There is no question of a payment continuing after death –

**Hon. P R Caruana:** Oh, I see so –

1915 **Hon. Chief Minister:** So it is very clear that as far as the Pensions Act is concerned, there is no need for any amendment, the pension is paid whilst the pensioner lives.

1920 He will recall that he used to say a commutation is a very good thing, because actuarially, there is very little chance – of course, there is a chance – that people will actually die before one is able to recover the amount that they have commuted. If you look at the issues that have afflicted this area of financial services, there are people living too long, not people not living long enough.

Secondly, Mr Speaker, this question of flattering the budget by removing a liability on a Consolidated Fund, does not arise, because the pensioner does an agreement with Credit Finance. The Government is out of it. Therefore the Government has the same liability that it always had. The Government will be paying the pension until the day the pensioner passes away.

1925 For the Government account, it is exactly the same situation. It is in Credit Finance that there is a payment out and an agreement with the pensioner. So as far as the Government accounts see, in the example that the hon. Gentleman gave – who was not a civil servant, neither am I, and we are talking about civil servants, but let us just use that example – he would continue to be the drawer of that pension and he assigns the right of receipt of it to Credit Finance.

1930 So the Government pays Sir Peter Caruana. He then makes the payment – but actually goes direct, of course – to Credit Finance Company Ltd. The right to receive the pension is personal to him. Upon his death, the pension stops being paid.

1935 **Hon. P R Caruana:** Mr Speaker, it is not true that the Government will... at least, unless he has not  
addressed this point in his explanation and in which case, please clarify. It is not true that the Government  
would continue to pay what it would pay before out of budget, because it is making the payments until  
death. Because as he knows, part of what commutation means, even under the old rules, let alone under  
1940 the new ones, is what people call the gratuity. What people call the gratuity, which is a lump sum, is in  
technical terms, partial commutation. That lump sum, which people call the gratuity, is itself a charge on  
revenue.

In addition to the monthly payments after the gratuity, the gratuity lump sum is regarded for  
Consolidated Fund charge purposes, as in exactly the same way as the monthly payment and indeed, that  
is the lion's share. So Mr Speaker... Well, it is not the lion's share, but it is a very significant amount that  
could run into a couple of... two million, depending on how many civil servants retire in any given year,  
1945 but a very significant sum that runs into the millions of pounds – just the lump sum.

That, if it is going to be paid by the Finance Company, is a direct relief by the Finance Company of –  
(*Interjection*) Well fine, but it is part of the pension, it is a lump sum commutation, it is a million or a  
million and a half that used to be a charge, and *by law* is a charge on the Consolidated Fund, which is now  
going to be paid by Credit Finance and not by the party that the law says, and will flatter – I know he does  
1950 not like the expression – but will flatter, accordingly, flatter the Government's budget surplus.

In other words, he is converting a payment which is presently a charge on the Government's revenue,  
and therefore reduces its surplus, to capital paid by the Savings Bank out of savers' money. It is Mr  
Speaker, if the explanation – that point aside, which I think is a very important one – but the explanation  
that he has given me appears to shed new light on exactly how we should properly regard Credit Finance.  
1955 It is not really a finance company, licensable under the – at least not *only* a finance company, would he  
agree? – financeable, licensable under the Pawnbrokers Act or the Moneylenders Act or whatever it is  
called. It is, in effect, a life insurance company.

What it is doing is going to the casino with the length of people's lives. In other words, this company  
is making a lump sum payment and depending on how long the person lives, Credit Finance will make  
1960 money or lose money. This is what life insurance companies do for a living. So this Credit Finance is not  
just a moneylender; it is by any definition, either an annuity company or a life insurance company, or a  
company in the business of risking profit and loss, depending on the longevity of pensioners.

Now, Mr Speaker, this is a whole new area. We are not going to spend another three hours discussing  
this, but this is in addition to and not consequential upon, everything that we have been discussing today  
1965 about money lending. This is now... Credit Finance is a Government-owned company, run by civil  
servants using public money, investing savers' money – well, I am not surprised he was confident that it  
might be very profitable. Life insurance companies can be very profitable. They can also lose huge sums  
of money. That is the risk that shareholders of life insurance companies take.

1970 But you are not a shareholder of a life insurance company; you are the guardian of the Gibraltar  
taxpayer's money, Mr Speaker, and that is the difference. Will he...

**Hon. Chief Minister:** And where is the question?

1975 **Hon. P R Caruana:** Well, Mr Speaker, the question is: will he agree with me, that... First of all, I  
would like him to clarify, if he would, the business about the... I think, interpreting his body language  
whilst he was in a sedentary position, he appears to be conceding the point, but I would just like it for the  
sake of the record on *Hansard* that to the extent, at least, of the commutation lump sum, there is a transfer  
out of the Consolidated Fund charge.

1980 And then, I would like him to acknowledge that Credit Finance is running the risk that it will, having  
paid out a lump sum, *not* recover sufficient payments from the Government, once the Government stops  
payment of the pension when the pensioner dies, and that that is the nature of the risk that the company is  
taking.

1985 **Hon. Chief Minister:** Well, Mr Speaker, there is only a slight measure of disagreement between us in  
respect of the first point. In other words, that the gratuity was a sliding scale, in other words, different  
people could agree to take different amounts and in any year, depending on the number of people who  
retired, you might have more or less amounts, depending on numbers and the sliding scale. And it is right  
– (*Interjection*) It is up to 25%, but it could be less, yes.

1990 It is right that, to the extent that there will not be lump sum payments of gratuity made by the  
Government in respect of those who commute, but not everybody has to commute, then there would be  
relief in that particular way, except that, of course, if there is no gratuity, as the hon. Gentleman knows,  
then the pension is higher and in respect of those who commute, there is no gratuity element, there is a  
full pension taken, because the commutation is the total amount that is taken.

1995 Therefore the amount payable as pension to the individuals, he will no doubt accept, is higher than it  
would have been if the person had taken – he is nodding his head, but it must be right – because you see

Mr Speaker, I will explain it to him – (*Interjection by Hon. P R Caruana*) The monthly instalments will be higher because the pension taken monthly is 100% of the amount accumulated.

2000 Now, in that context Mr Speaker, if what he wants to say is that the accounts will have or the Government will have that temporary relief, in other words there will be no lump sums payable on day one in respect of a pensioner taking a gratuity, but of course the monthly amounts payable in respect of that pensioner will be consequently higher.

2005 Then he has expressed the second part of his question in some very figurative and emotive terms about what it is that CFCL is doing, whether it is providing an annuity, is it a life insurance company, is it playing at the casino? Well look, Mr Speaker, of course it is right that anybody who pays a commutation in exchange for a pension receipt in respect of an individual is running the risk that the person might die before they recover that amount of the commutation. That is absolutely right, but he will know that, actuarially, all the calculations show that this is actually the safest possible way to administer taxpayers' money. Because each pensioner, each Civil Service pensioner, will cost the taxpayer a lot more if they continue to receive their pension until death, than if we simply gross it up and pay them a commutation.

2010 I seem to recall him at one stage saying, 'If I could work out how to do this, I too would be very interested in introducing the concept of commutation.' Well, it has taken him two and a half years (*Interjection by Hon. P R Caruana*) to look at this and now he understands exactly how it is that we are doing and how we are financing it.

2015 It is, in our view, Mr Speaker, the right way to be prudent about taxpayers' money, by providing this mechanism to make the commutation payments to the pensioner and, in the way of the pension payments to Credit Finance, have that amount repaid as I have already set out. I think Mr Speaker, that anybody who looks at the actuarial analysis which is relevant will realise how potentially safe an investment this is. He does not seem to be prepared to share that view, from his body language. But look, we are the Government, we have made the decision. I assume that what he is saying is that he does not support that these commutations should be offered in this way.

2025 **Hon. P R Caruana:** No, Mr Speaker, I am not in the business, except when I debate with him, of having a battle of views. I am a Member of the Opposition asking questions and I am just trying to establish information. The issue is not whether I agree with him or not; the issue is transparency of the way that the Government is doing things.

2030 Look, Mr Speaker, with respect to him, he is not financing this. The savers of the Gibraltar Savings Bank are financing this. (**Hon. D A Feetham:** Absolutely.) He is not financing, this is not a case of the Government saying, 'I will use Government capital to buy off the Government's pension liabilities to its pensioners in a way that is ultimately cheaper for the taxpayer.' If the Government was using its own money for that purpose, we could have a discussion about whether it is a sensible or not a sensible way actuarially of shortening liabilities in the future.

2035 But he is not using Government money; he is using Gibraltar Savings Bank monies, and leaving it to chance, which we all hope will not come to pass – and may not come to pass if Government's fiscal position remains buoyant and solvent and Gibraltar continues to prosper – but we cannot assume that, we cannot take that as a necessary given, as no country can. This is not something peculiar to Gibraltar. Countries get into difficulty. So I am not saying that there is risk; I am saying that there is no transparency.

2040 And look, Mr Speaker, whether it is right or wrong for a Government-owned company to go into the business of life insurance and take risk is of course a matter of policy. Government sets up construction companies, Government sets up all manner of companies. Well, if Government wants to set up an insurance company, well it is a policy decision.

2045 The point is that that is what it is. I am not saying whether it is good or bad. If Government wants to set up an insurance company and say to the taxpayer, 'I have effectively set up something akin to an insurance company, which is now running these risks about whether it will make profit or loss depending on how people live', well Government can set up whatever companies it wants to, to trade in whatever line of business it wants.

2050 I am not here to say whether I think it is a good idea or a bad idea, although I have my views about that, but simply that the Government should be transparent and explain to people, and certainly in this House, that that is what the Government is doing and not pretend that Credit Finance Corporation is a moneylender under the Moneylending Act, whose bank manager does not tell people about loans, any more than Barclays bank manager does.

2055 Can we not have a clear transparent statement by the Government pursuant to its policy of how it wants to use Credit Finance, to explain in this House how it is using Credit Finance and what it is doing, without the Opposition having to play 20 questions and hope to strike, to arrive at the information, if Mr Speaker gives us enough latitude for long enough, to ask enough supplementaries, to eventually tease out the information.

2060 That is what I am urging to the hon. Member to do. If it is a legitimate architecture of Government, as he appears to be defending that it is, I would ask him to consider whether he should just not make a statement about everything that the company is doing, so that we do not have to ask questions in a way that might alarm people by the way in which we ask the question.

2065 **Hon. Chief Minister:** Mr Speaker, I think that we now find ourselves in a situation where the more information that we give, the more information that we put in the public domain, the more quickly that we provide it, the less transparent we are told we are by the hon. Members –

**Hon. P R Caruana:** But you are not transparent.

2070 **Hon. Chief Minister:** Well, Mr Speaker, look, I have explained to the hon. Members opposite and to the hon. the backbencher, who has taken a leading role this afternoon, and helped us therefore to get through business much more quickly than we might otherwise, if I may say, that Credit Finance Company Ltd is doing this commutation business.

2075 I have explained how it is doing it. He seems to have expressed opinions about it. It is true they have asked a question about it and we have explained what they have done, and he says the Opposition should not have to play 20 questions. But look, most other times they say the Opposition is here to ask questions in order to elucidate matters. Well look, Mr Speaker, we are the most transparent Government in the history of Gibraltar. *(Laughter)* Clearly the most transparent Government in the history of Gibraltar – but that does not mean, Mr Speaker...

2080 **Hon. P R Caruana:** A Government that most describes itself as transparent. *(Laughter)*

2085 **Hon. Chief Minister:** We are clearly Mr Speaker, the most transparent Government in the history of Gibraltar. We provide more information without being prompted, than the hon. Member used to provide even *after* being prompted. There was information put monthly on our website that we had to pull out of his mouth with hammer and sickle, Mr Speaker, as if we were pulling his teeth!

The fact is that we have explained today, in answer to a question, immediately that it has been asked, exactly how Credit Finance is doing this.

2090 Now, if he says that what we should have done is issue a statement about what it is that Credit Finance does, well look, Mr Speaker, I will take that as the sort of advice that he is tendering me for free. But he knows that I do not take his political advice and he has never taken mine.

We have made very clear what it is that Credit Finance is doing in respect of these commutations; we have explained exactly how it works in this House, which is the right way to do so. They tell us that they are here to ask us questions about what it is that we do. They have asked this question, they have got the information.

2095 Credit Finance is not just a licensed moneylender; it is also doing this business. He would therefore, Mr Speaker, describe – or some aspects of what Credit Finance is doing – as akin to an insurance company. Well look, Mr Speaker, it is fine. If he wants to describe it in that way, it is up to him to do so. What we are doing is ensuring that civil servants who want to have their commutations, can have them, we are satisfied actuarially that this is a very safe way in which to ensure that taxpayers' money, as the *payer of the pension*, is better put to the use of the community.

2100 **Hon. P R Caruana:** Does he acknowledge – ?

**Mr Speaker:** Any other new relevant supplementary?

2105 **Hon. P R Caruana:** Yes, Mr Speaker... *[Inaudible]*

2110 But, because I just want to extract it from the previous answer that he gave, is he agreeing with me – did he agree with me before – that in the case of a civil servant who retires and the company pays out the commutation, whatever degree of commutation the pensioner chooses to go for, and the pensioner dies soon thereafter, the Finance Company will never recover, will lose the difference between the lump sum that it paid out, and the aggregate of the pension monthly payments that it received between pension retirement date and death?

2115 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is trying to get me to answer a question in a particular way. Let me answer it in *this* way.

In the way that I have explained that this works, if a pensioner takes his commutation, he assigns for life, his pension rights, the right to receive his pension from the taxpayer, to Credit Finance. If he dies before Credit Finance has recovered the amount it paid him, then Credit Finance will be at a loss in



respect of that pensioner, in respect of whatever amount is due – unless, of course, the pensioner has some other provision made. But there the position is quite clear.

2120 The analysis is that Credit Finance Company Ltd will make a lot more money than is likely ever to be lost in respect of those who might die before their commutations are fully repaid, from those who continue to survive as the actuarial analysis suggests that they will.

2125 It is very straightforward. The hon. Gentleman knows that, thank God, people in Gibraltar have a very long predicted life and that the cost to the taxpayer of paying them their pensions under the final salary scheme far exceeds the amounts that are calculated as commutations.

**Hon. P R Caruana:** So implicit in that answer is that the Government will carry on, will pay to the Finance Company, the full amount of the monthly pensions, on the assumption that there had been no commutation. So in other words, the Government pays the full pension to CFC on an uncommuted basis – that is to say the full monthly payment as if there had been no commutation. The Finance Company pays the commutation, uses part of what it gets from the Government to pay the remaining monthly payment if there has not been an 100% commutation, and keep... and accumulates –

2130 **Hon. Chief Minister:** Sorry, can you give way for a second? (**Hon. P R Caruana:** Yes.) (*Interjections*) Credit Finance is only relevant in cases of 100% commutation.

**Hon. P R Caruana:** Oh I see, so then the Government pays the whole pension at the full rate, let's just call it, on the uncommuted full rate, the Finance Company pays out the pension lump sum on the basis of 100% commutation, and collects the 100% pension payments from the Government, and then we wait and see how long the pensioner lives, to see how much revenue Finance collects.

2140 **Hon. Chief Minister:** Yes, Mr Speaker, that is the position and a very good business it is too. The actuarial analysis suggests that this will be an area of huge profit and in the same way, Mr Speaker, as on the other side of the balance sheet, it is potentially an area of huge liability to the taxpayer. To such an extent, Mr Speaker, that he, before he left office, ended the final salary scheme for exactly that reason.

**Hon. P R Caruana:** Correct. The only point to be made and the final point to be made is this: that of course this excellent business, as he calls it, of allowing people to commute their pension, this could be done by the Government. It does not have to be done by CFC, so what the hon. Member is doing is simply transferring potential profit and potential losses from the transparent Consolidated Fund and Government reserves, to what he calls the sovereign wealth fund, the Finance Company, where he will not tell us who he lends it to and on what terms.

2150 So this is just another way of shifting financial transactions from the Government's accounts, to the Credit Finance's accounts. Because you do not need Credit Finance to do all the excellent business, if he thinks it is excellent business, that he has just described. He can do that through the Government Pension Act and through the Financial and Development Secretary's office.

**Hon. Chief Minister:** Well, Mr Speaker, perhaps we could but we have decided to do it through Credit Finance. Now, I assume Mr Speaker, that in the context of what he is saying, where he talks about huge potential profit (*Interjection by Hon. P R Caruana*) and also potential loss, he is only talking about potential loss because at the moment he is on that side, and on that side, one sometimes is given to have to try and find an issue to niggle, and perhaps something to suggest that there is some element of risk. Because as he will know, the actuarial analysis – which is not something that we can do on the back of an envelope – suggests that people will live for very much longer than is necessary to repay their commutations.

2160 And that there is, in terms of real risk here, almost no real risk of anything other than profit being accrued as a result of this mechanism. And when he has mentioned loss, he has simply mentioned it because in some way, the Members opposite have to save the position that Credit Finance is going to be anything other than a hugely profitable endeavour for this community.

2170 **Hon. P R Caruana:** That is okay, so long as the Savings Bank debenture holders know that their money is being invested in this wonderful venture that he says is going to be very profitable, but may not be. That is all – transparency and explanation – and whether he does it or not is a matter entirely of policy.

2175 **Hon. Chief Minister:** Exactly, Mr Speaker and immediately that they have asked, we have given the information, transparent as we are. He will also... it does not take, Mr Speaker, a rocket scientist to know, that the savers actually are many of the commutees themselves who will be putting the money in the best deal there is in town, which is the Savings Bank.

2180 **Hon. D A Feetham:** Mr Speaker, can I ask the Hon. the Chief Minister two questions?  
One is: has Credit Finance Company Ltd been doing this paying out commuted pensions from, effectively, very soon after it was incorporated in March of this year?

2185 And secondly, who has made the assessment that this is likely to be profitable business for the Government? Is it Government Ministers that have made that assessment?

**Hon. Chief Minister:** Mr Speaker, I understand that this is something that Credit Finance Company Ltd started doing. It was one of the purposes for which it was incorporated in fact, and he will know – I know that he has referred us to it before – that it is something I think which is in our manifesto, which was considered at least during, and announced during the election campaign, so was an assessment that was made even before we were Ministers.

2190 **Hon. D A Feetham:** So effectively, it is the hon. Gentlemen opposite, without the benefit of any kind of professional advice, that have made the assessment that this kind of business is likely to be profitable business for Credit Finance?

2195 **Hon. Chief Minister:** Mr Speaker, I do not think it is something which requires detailed professional advice, but I would refer the hon. Gentleman to the fact that even his erstwhile former leader was very clear about what the liabilities to the taxpayer under the provisions of the Pension Act were, in respect of the final salary scheme to civil servants.

2200 In other words, the actuarial analysis is very clear, not to Credit Finance, but on the other side, where the Government constantly receives actuarial advice, as to the longevity of the people to whom we are responsible under the Civil Service Pension Scheme. So it is clear, on the one hand, and therefore very easy to interpret on the other.

2205 **Hon. D A Feetham:** Yes, well, Mr Speaker, you see this is a company that is run by three civil servants, they are not experts in this particular area, neither are the Government, as far as I can see, experts in the provision of making actuarial assessments. But I just find it extraordinary that the Government has effectively made the decision to use this particular company, in this particular way.

2210 Yes, as the Hon. Sir Peter Caruana says, it can lead to massive profits, but it can also lead to massive losses, and I just want the hon. Gentleman to be clear about this and to confirm that, effectively, this is just simply a decision of the Government, without any professional assistance at all, without any professional assessment or report as to whether this is good business or bad business for the Government of Gibraltar?

2215 **Hon. Chief Minister:** Mr Speaker, those three civil servants that he talks about include the Financial Secretary. The Financial Secretary is the person who is receiving, constantly, advice as to the liability of the Government to civil servants, to retired civil servants, under the Civil Service Pension Scheme. What I am saying to him – and we, the Ministers on this side of the House who are relevant to this decision-making process, have discussed these issues with the Financial Secretary – he is seeing the liability element. You need to understand...

2220 The hon. Gentleman asked me a question and it is an important one. I would like him if possible, to give me the courtesy of his attention for my reply. Right.

2225 We are seeing, and the Financial Secretary is seeing, the liability aspect to the pensioners, the Civil Service pensioners, under the Civil Service Pension Scheme. We are constantly, he will know, receiving actuarial advice in that respect. This is the mirror image of that advice. In other words, we are constantly being told 'x civil servants, all likely to live in this way, this analysis in respect of males, this analysis in respect of females, this is how long they are likely to be living for, this is your liability in respect of them.'

2230 What Credit Finance is doing, for those who choose it, is taking the inverse of that model in an analysis done with the Financial Secretary, who is not – I would ask the hon. Gentleman to accept – just a civil servant that happens to sit on the board. He has responsibilities and he has obligations in respect of the Civil Service Pension Scheme and, of course, the experience, understanding and knowledge of these things.

2235 **Hon. D A Feetham:** Yes, Mr Speaker.

Mr Speaker, the Hon. the Chief Minister has also said that this company was incorporated for this particular purpose. Now, how can the Hon. the Chief Minister justify the statements about this being the most democratic or most transparent Government in the political history of Gibraltar –

2240 **Mr Speaker:** No, no, no, that has got nothing to do with it. No, no, no.

**Hon. D A Feetham:** Well, I have not finished.

2245 **Mr Speaker:** No, no, no, but leave anything about transparent and democratic Government, justifying... Get to the point, please. Get to the point. We have a specific matter that we are dealing with. Get to the point, ask your question, otherwise I will rule you out.

**Hon. D A Feetham:** Mr Speaker, I am getting to the point.

2250 **Mr Speaker:** Right, but –

**Hon. D A Feetham:** May I continue?

2255 **Mr Speaker:** Yes, and to the point.

2260 **Hon. D A Feetham:** Yes. How can he justify the statements that he has made – I have not made them, that he has made – about transparency and accountability? How can he justify the statements that he has made about accountability and transparency? And this *is* about – at the core of what we are talking about, and the questions that we have been asking – it is all about transparency and accountability to this Parliament. How can he justify that, when here you have a company that has been incorporated in March of this year for the specific purpose of doing this, precisely this, paying commuted pensions to civil servants?

2265 And, the first time that the Government provides any kind of information, any announcement, it is not even an announcement, is when the Opposition come to this Parliament, seven months later and teases out the information from the Government, and the Government has not provided any kind of statement. How does he justify his description of his Government, as the most accountable and transparent in the political history of Gibraltar, with that?

2270 **Hon. Chief Minister:** Well, Mr Speaker, a company is incorporated to do a number of things, something that the Government does quite often. Hon. Members opposite, when they were in Government, did a number of things, short of incorporating companies for particular purposes, and did not always issue press statements saying that they were doing it.

2275 Now, is it that the hon. Gentleman is saying you can only be transparent and accountable, if every time you do something, you issue a press statement saying that you do it? But then, one of the things that they accuse us of is issuing too many press statements, or is it that he has forgotten that that is one of the accusations that they also throw at us?

2280 Well, look, why do I say that we are the most accountable and transparent Government, despite not having issued a press statement about CFCL financing commutations? Well look, as soon as we have been asked, we have said exactly what it is that CFCL is doing about commutations. They have not had to tease out the information. We have had a debate about the information, but the information was given immediately that it was asked for.

Now, ‘teasing out’ would be almost like a ‘foreplay-ish’ persuasion, if I could put it that way –

2285 **Hon. D A Feetham:** A what?

**Hon. P R Caruana:** ‘A foreplay-ish persuasion.’

2290 **Hon. Chief Minister:** Yes, that is what teasing out suggests to me, right? But that is quite different, Mr Speaker, to having to extract information with hammer and sickle, as if you were pulling teeth, which is what we ended up having to do with the hon. Gentlemen when they were here, and *even then*, did not get the information, because Mr Speaker is absolutely right – I think it was Mr Speaker that made the point some meetings ago – Mr Speaker cannot force the Government to answer a question, and in fact the Hon. Sir Peter Caruana made the point today.

2295 Government could simply say, ‘We are not answering these questions’ and then of course, you pay the political price if there is one to be paid. I would just remind the hon. Gentlemen that they paid it. That is the attitude that they took to my questions about a particular individual and the consultancy agreements that had been entered into with him, which I said in Questions, were being entered into in breach of European Union Rules. I was told, I am not being told why the Government takes a contrary view. Now, that was an issue that resulted in a net liability to taxpayers, in the millions of pounds.

2300 Everything we are debating here, *everything we are debating here*, is going to result in a net profit to taxpayers, I hope in many millions of pounds, and I trust that they also wish the same thing for the taxpayer. So why do I say that we are so transparent? Well, I say we are so transparent, because we put on our website information that they would not even have teased out of them in Parliament. We do that on a

2305 monthly basis. We come here 10 times in any year to answer all the questions that are put, and on *some* occasions, not all, we say that we cannot answer the question because we think it is commercially sensitive. Now, because we do that does not mean that we are anything other than entirely the most transparent, most open and most accountable Government, that this community has ever had the benefit of having. (*Banging on desks*)

2310 **Several Members:** Hear, hear.

**Hon. D A Feetham:** Well, Mr Speaker, I have to say that I admire the Hon. the Chief Minister's optimism. If this company makes a massive loss – God forbid, that is not what the Opposition wants (*Interjections*) – but if this company makes a massive loss, he is going to have to emigrate, I have to say.

2315 But, Mr Speaker, does he not accept that if the Opposition had not conducted a company search of the Sunborn Gibraltar Ltd, which then led us to Credit Finance Company Ltd...? Because the only reason why we discovered Credit Finance Company Ltd was because we conducted a search on the Sunborn, and we then discovered that there was a mortgage in favour of Credit Finance Company Ltd. Does he not accept that had we not done that, the community at large would have been none the wiser about the fact  
2320 that the Government has invested £344 million of savers' and taxpayers' money into this company, which it is then using in order to provide loans to third parties? And does he not agree that that is the very opposite of being transparent and being accountable?

Does he not accept, as well, that that is not a right and proper way for a Government to behave, because the obligation was on the Government to come to Parliament and provide a clear statement about  
2325 Credit Finance, as soon as Credit Finance was incorporated – bearing in mind the amounts of money that we are talking about and, indeed, the purpose and potential liability to this community?

**Mr Speaker:** That is the last supplementary that I am allowing and then we are going to conclude  
2330 Question Time.

**Hon. Chief Minister:** Well, Mr Speaker, I must say during the course of this afternoon, I have found it hugely just – and I am going to make a point in his favour, so he should not be so cynical as to look at me with that smirk – *hugely just*, that he has now been able to finally right the wrong of actually being able to turn to the now backbencher and tell him to sit down and shut up, just like the hon. Member used to do with him, when he was on the Government benches. There is justice!  
2335

Anyway, Mr Speaker, the company search of Sunborn and then of Credit Finance, and the search of Credit Finance: Mr Speaker, this does not render the hon. Gentleman Poirot or Colombo – certainly not Sherlock Holmes. It is more like a diddling Clouseau! At the end of the day, these are public documents. He knows and I know that the Companies Register is known as the *public register* of companies and that  
2340 searching companies is something that costs £5 and he and I, in a much more sophisticated guise, tend to do that for a living and sell that service.

So when things are done by the Government, Mr Speaker, which are *public* because they are put on a public register, is it that he wants me to pick him up, hold him by the hand and take him to the document, before he accepts that I am being transparent about it? Mr Speaker, I would have great pleasure in holding  
2345 any Member on this side by the hand, and demonstrating the openness to any member of the community, but, you know, he has to earn his keep, and as Leader of the Opposition, if he has to make a company search to discern a particular detail, well I do not think that is asking too much.

And when you compare that, Mr Speaker, to the regime that there was before – to deal with his point in his last supplementary, about transparency and accountability – a regime that treated us to only one  
2350 meeting of the House in one particular year between 1996 and 2011, that gave us a maximum of two, when two was all they were required to have under the Constitution, and had a maximum of three, when they had to have three and never went beyond that, and this is the place where Governments are accountable, then I have to say to him that he is tainted by the fact that he is a member of the '*Ancien Régime*' that prevailed over that time and he will always have that difficulty in saying that we are  
2355 anything other than *the* most open, transparent and accountable Government that this community has ever had the benefit of having. (*Banging on desks*)

**Hon. P R Caruana:** Mr Speaker, if he will allow me just one final intervention for today, would the  
2360 hon. Member –

**Mr Speaker:** It is a final one. I will allow you, it is a final one. I bow to your seniority in this House.

**Hon. P R Caruana:** In this House, I am very junior. (*Laughter*)

2365 Would the Hon. the Chief Minister agree with me that genuine parliamentary transparency is not about the number of times that Parliament meets – after all there is not much point coming, if you are not going to get any meaningful information – but about the quality of the information that you get?

2370 He appears to think that parliamentary transparency is measured in the number of meetings that you have a year, regardless of what happens in those meetings, whereas actual transparency is about the extent to which the Government gives the Opposition all the financial information that it needs. I can tell him however few... however badly he thinks we used to do in terms of quantitative transparency, in terms of the number of meetings of Parliament, even when they were in companies, no Government that I headed ever refused to give the Opposition financial information.

2375 The question, would he agree with me, that he has referred today on several occasions – and I no longer bother to get up to deny things that he says about me which are not true – but when he has said, Mr Speaker, when he has said repeatedly that I refused to tell him why contracts that were being given to particular consultants were not in breach of the Procurement Ordinance... Act, I told him that the Government did not agree that it was in breach; and as the Government did not agree that it was in breach, it is hardly possible to give an explanation about why you do not think that something is something that you do not think it is?

2380 So it is not... This constant impression that he gives, because he asserts it, that it was a breach of the Act – it is not a breach of the Act; and that it has cost the Government millions of pounds – it did not cost the Government *any* millions of pounds. The Government got the services at reduced rates by the way that it was paying for, Mr Speaker, but even that about which I disagree with him, is not what we are debating today.

2385 Will he acknowledge that when he was sitting on this side of the House, and we were sitting on that side of the House, we used to answer questions about the business of Government-owned companies, fully and systematically, as he has declined to do today, because Government Ministers were involved in conducting their affairs; and that is not happening today? Would he agree with me that that is the difference between our two positions?

2390 **Hon. Chief Minister:** Certainly not, Mr Speaker, and I will tell him why: because I am going to take his remarks as a valedictory this afternoon. Or is it that he has forgotten, when he was presenting to this Parliament answers to questions, when we had rumbled, much more in a ‘Sherlock Holmesian’ manner, that he had taken £20 million and hocked some Government buildings, in order to finance a project at the Mid-Town?

**Hon. J J Bossano:** By buying shares.

2400 **Hon. Chief Minister:** In that case, by apparently being prepared to make an equity investment – that thing which they now so criticise in respect of Credit Finance – in a venture which was to be a project to develop that area, involving the same person with whom he had done these agreements that were apparently in keeping with EU law? Does he not remember that he told this House that he could not remember what those £20 million were for? Does he not remember the number of times when he said he would not answer questions?

2405 **Hon. P R Caruana:** I said none of those things.

2410 **Hon. Chief Minister:** Well, Mr Speaker, we often have situations in this House where the hon. Member says, ‘I did not say that, it is not true’. Well, although we do not have the automatic system that a CNN transcription would provide for us, (*Interjections*) we have *Hansard*, Mr Speaker, and we can check together if he likes, so that we can demonstrate to him that that is the position.

2415 But is he saying, Mr Speaker, that they have not had information today? They have had a *huge* amount of information today, when they have asked for it. (**Hon. P R Caruana:** No.) And the hon. Gentleman said (*Interjections*) during the course of his interventions earlier this afternoon, in which he has so ably – if I may allow myself to say so – led, in effect, the Opposition once again, that when you do not give information, what happens is that you pay the political price.

2420 Well, Mr Speaker, let us just look at it this way. Let us just look at this way. They did not give information before the last general election on issues as important as the taking of that £20 million loan; they did not give information about those contracts which were granted in breach of EU law which cost millions of pounds, Mr Speaker. They did not give information, for example, about the power station that they were going to enter into. It was only *after* the election – not after a question from the Opposition, only after the election – that the general public found out that the hon. Member’s plan for a new power station involved a 5% increase in the cost of electricity for 20 years, Mr Speaker, *and* it was not until *after* the general election that the community found out that the hon. Member was planning to come back to

2425 this House to seek an extension of the debt, of the public debt of Gibraltar, because he was going to fund a lot of his projects under the GSD manifesto out of more debt.

So, Mr Speaker, in terms of quality of information, we have given much more quality of information, on a much more quantitative basis, namely 10 times a year, than they ever did.

2430 But he said, Mr Speaker, at the end of the day, Government can say that they will not answer questions, and they will pay the political price. Mr Speaker, as the Chief Minister elected by the people of Gibraltar today at the last general election, I am looking now at the man who paid the political price for not delivering information to this community and this Parliament. I think that stands as a testament to the way that he will be remembered – although, Mr Speaker, I do hope that now that we are at opposite sides and he is a backbencher, we will always be able to have a much more positive personal relationship than  
2435 the ones we used to have when he used to sit here.

**Mr Speaker:** May I now ask the Chief Minister to table the answers to the Written Questions and we will then have a 10-minute comfort recess.

2440

## Questions for Written Answer

2445 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, I have the honour to table the answers to Written Questions numbered W120/2013 to 159/2013 inclusive. I include also, Mr Speaker, the questions that Mr Netto asked this morning should be treated as Written Questions, which are also answered in these documents which I now lay.

2450 **Mr Speaker:** The House will now recess for 10 minutes.

*The House recessed at 6.22 p.m. and resumed its sitting at 6.42 p.m.*

2455

### GOVERNMENT MOTION

**Social Security (Open Long-Term Benefits Scheme) Act 1997**  
**Social Security (Open Long-Term Benefits Scheme)**  
**(Amendment of Benefits) Order 2013 approved**

2460

**Mr Speaker:** Now that the Chair is suitably replenished, we can carry on with the business.

2465 **Clerk:** Government Motion. The Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2470 *'This House approves by resolution pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2013.'*

2475 The draft Order which is available reflects the increase in benefits and, Mr Speaker, follows the procedure that happens every year.

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Minister for Enterprise, Training, Employment, Health & Safety.

2480 **Hon. D J Bossino:** Mr Speaker, I understand that procedurally this has to be passed by way of motion pursuant to the section set out in the body of the motion itself – it is section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997 – and the Opposition really has nothing to add to this particular debate on the motion.

2485 **Mr Speaker:** If no other Member wishes to speak, I will put the question in the terms of the motion proposed by the Hon. the Minister for Enterprise, Training, Employment and Health & Safety. Those in favour? (**Members:** Aye.) Those against? Carried.

2490

## BILLS

### FIRST AND SECOND READING

2495

#### Crimes (Amendment) Bill 2013 First Reading approved

**Clerk:** Bills, First and Second Readings.

2500

A Bill for an Act to amend the Crimes Act 2011. The Hon. the Minister for Education, Telecommunications and Justice.

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Crimes Act be read a first time.

2505

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Crimes (Amendment) Act 2013.

2510

#### Crimes (Amendment) Bill 2013 Second Reading approved

2515

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to move that a Bill for an Act to amend the Crimes Act 2011 be read a second time.

This Bill makes a minor amendment to Part 6 of the Crimes Act 2011, by providing for a new section 94A, which involves the offence of stalking involving fear of violence or serious alarm or distress and it replaces section 2(13) of the Criminal Justice (Amendment) Act 2013 which has not been commenced.

2520

In fact, Mr Speaker, what happened was that the Criminal Justice (Amendment) Bill was taken in the September sitting, and during the course of discussions with the Hon. Mr Figueras, he pointed out that there appeared to be a typographical or grammatical error in this particular provision. That was corrected by me at Committee, but on my return to the office, it appeared that it was not, after all, a typographical or grammatical error; it was a formatting error and during the formatting phase, a few words had actually been missed out. Therefore, what we did was commence all other provisions of the Criminal Justice (Amendment) Act except this one, which was not commenced.

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The Bill which we then published corrects that and introduces the provision which we intended to produce to commence in September in the corrected form.

2530

There is an amendment which I will be putting forward at Committee. I understand that a letter has been written to you and circulated to Members opposite. That amendment is to formally repeal the section which has not been commenced, section 2(13) of the Criminal Justice (Amendment) Act 2013.

In fact, technically it is not necessary, because it simply has not been commenced and it is an amendment Act, rather than a section in the main Act. It was a proposal that Mr Figueras made to me, that we should simply remove that erroneous section from the statute book altogether, and it is a suggestion that I am happy to accede to, even though technically it is not necessary.

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I commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

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**Hon. S M Figueras:** Mr Speaker, only to say that this side of the House has no issue with the Bill and to associate myself with the remarks that the Hon. Minister has made in presenting the Bill. I am grateful for his recognition of the collaboration in this respect and have nothing further to add to that.

2545 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Crimes (Amendment) Act 2013.

2550

**Crimes (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

2555 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2560 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2565

**Miscellaneous Amendments (Social Security, etc.) Bill 2013**  
**First Reading approved**

**Clerk:** A Bill for an Act to amend various Acts on Social Security and related subsidiary legislation, the Medical (Group Practice Scheme) Act, the Limitation Act; and for connected purposes.  
The Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2570

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I have the honour to move that a Bill for an Act to amend various Acts on Social Security and related subsidiary legislation, the Medical (Group Practice Scheme) Act, the Limitation Act; and for connected purposes, be read a first time.

2575

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend various Acts on Social Security and related subsidiary legislation, the Medical (Group Practice Scheme) Act, the Limitation Act; and for connected purposes, be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

2580

**Clerk:** The Miscellaneous Amendments (Social Security, etc.) Act 2013.

2585

**Miscellaneous Amendments (Social Security, etc.) Bill 2013**  
**Second Reading approved**

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

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Mr Speaker, the explanation of what the Bill does in the explanatory memorandum, I think, is so self-evident that there is little that I need to add to what it does. The Principal Auditor in this year's report made reference to the fact that this has been promised for a number of years and that, finally, the final draft was ready and was expected to be brought to the House soon.

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One of the issues in terms of the ability to collect PAYE which has been deducted at source from employees has been that the same provisions did not exist in respect of Social Insurance and therefore when the Social Insurance was transferred to the Income Tax Office for collection, they were able to collect part of the money from the Directors if they remained unpaid, but they were not able to do the Social Insurance part as well.

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Effectively, what this does is treat the liability of employers in respect of Social Insurance deductions in exactly the same way as has been the case until now for PAYE – frankly something that I think is very necessary, because here we are not simply talking about taxpayers not being able to meet their own obligations, but employers who effectively are collecting tax on behalf of the Government from the wages of workers and Social Insurance contributions from the wages of workers, and then failing to hand the money over.

2605

The amendments that are being brought in are something that has been for many years recommended as necessary, if we are going to make inroads into the arrears of social insurance by the Principal Auditor



and, as I have said, in this year's audited accounts, the Principal Auditor welcomed the fact that the Bill was now ready and was expected to become law in the current year.

So I commend the Bill to the House.

2610 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2615 **Hon. D J Bossino:** Yes, Mr Speaker. In fact, I am not sure that I agree with what the hon. Member has said in relation to the explanatory memorandum, and as to whether it accurately reflects everything that the Bill purports to do. This is obviously an omnibus Bill, in the sense that it amends a whole raft of Social Security primary and secondary legislation, as well as the Medical (Group Practice Scheme) Act.

2620 Mr Speaker, if I could first of all deal with the... Basically, there are headline issues, and if I deal with the amendments which are being suggested in respect of one of the Acts, it really applies across the board, because they are all very similar. As currently drafted, Mr Speaker, the Opposition finds difficulty in supporting this particular initiative, and I will go through the points now.

2625 The first point, Mr Speaker, is the fact that it appears now, if one goes to clause 2(4)(b), that the institution of proceedings are now to be done by the Director, and the addition of the words 'or any person authorised by him in writing'. It is not clear why that is the case. One of the issues that I thought as to why this was being done is in order to give flexibility for the Director to appoint somebody else to do the work for him, in terms of recovery of debts.

Of course, that flexibility is already set out in the current legislation. If one goes to section 45(3) of the Social Security (Insurance) Act – this is an amendment to that particular Act – it provides that:

2630 'Proceedings for the summary recovery of a civil debt of sums due to the Fund may be instituted by an inspector or other officer authorized in that behalf by special or general directions of the Director...'

2635 So there is already that flexibility inherent in the current legislation. It is not clear to me why there is a requirement now to give the Director the statutory power to divest himself of the statutory power he has to another person – and notably, Mr Speaker, another person potentially outside the Civil Service, because the word used is not 'officer', it is 'a person' so that could be a natural or indeed a corporate body, outside the Civil Service who would be in effect doing debt recovery in relation to Social Insurance contributions.

So without going into the matter in a lot of detail, Mr Speaker, it is a matter of concern that we have on this side of the House.

2640 One of the points I would ask the Hon. Minister to address, and to assuage certainly concerns that I have, is that if there is indeed a divesting of those statutory powers to a third-party person, completely at arm's length from the Gibraltar Government, and that person will be exercising certain statutory powers in terms of recovery of debt, what will be the public law remedies available for a person who has agreed by any actions taken by that individual or corporate body on behalf of the Director of Social Services, in terms of adjudication in courts, by way of judicial review, and what have you? That is certainly a matter which I would raise as a point of concern and I would be grateful if the Hon. Minister would confirm whether he has considered this and whether he has addressed it in his own mind, before presenting this as an amendment to the Bill.

2650 Mr Speaker, in the same clause, clause 2(4)(b), there is the introduction of a new subclause (5), which basically reads that:

2655 'If the employer, being a body corporate, fails to pay to the Fund any sum which the employer has been ordered to pay, that sum, or such part thereof as remains unpaid, shall be a debt due to the Fund jointly and severally from any directors of the body corporate.'

2660 Now, various issues arise in relation to that, Mr Speaker. Ordered to pay by whom? Of course, this appears to me, Mr Speaker, to be in effect an extrapolation of the exact wording in section 48(4) of another Act which is being amended today, which is the Social Security (Employment Injuries Insurance) Act, which reads in exactly the same way, but of course, Mr Speaker, the context of that particular provision is completely different to the context of the amendment which is being introduced to the Insurance Act. That is that in section 48(4)... if one goes to 48(1), it provides that:

2665 'In any case where an employer is convicted of the offence of failing to pay a contribution, he shall, in addition to any other penalty, which may be imposed under this Act, be liable and may be ordered by the court to pay to the Fund a sum equal to the amount, which he failed to pay.'

So it is in that context, where there is an order of the court, that it is relevant to section 48(4) of the Social Security (Employment Injuries Insurance) Act, but not so in the case of the amendment which is being proposed in relation to the Social Security (Insurance) Act, Mr Speaker.

2670 The other issue which I wish to raise in relation to that amendment is that it is proposed... Well, in fact, the clause as currently drafted, which the hon. Member wished to introduce to the Insurance Act, does not include the words in relation to corporate liability of directors, the following words:

2675 'who knew, or could reasonably be expected to have known, of the failure to pay the contribution or contributions in question.'

2680 Now, this raises a number of points, Mr Speaker. Is it not possible that a non-executive director could be held liable and culpable? There are situations where, for example, as I understand it – I am not an expert – but in the insurance world, there is a requirement to have two local directors. Now, those local directors are highly unlikely to have any day-to-day management or knowledge, indeed, of what is going on in the company. So if in those circumstances, there is a failure by that particular employer to pay Social Insurance, is it not wrong that, without imputing any knowledge, a director is automatically culpable?

2685 Indeed, Mr Speaker, in some research that I did before coming here today, the analogous position in the UK, under the Social Security Administration Act of 1992, provides... I think it is the Secretary of State there who may issue a personal liability notice to a body corporate who has failed to pay the contributions due at or within the prescribed time. But that failure only arises when, in the opinion of the Secretary of State, the failures are attributable to the fraud or neglect of one or more individuals, who at the time of the fraud or neglect were obviously officers of the company. None of that, Mr Speaker, is in the amendment which is being proposed here, and that is obviously a matter of concern.

2690 Mr Speaker, the other amendments proposed seem fine. I think they are tidy-up amendments, in terms of numbering of schedules and references to parts of schedules which were not there in the principal Act originally, which of course we have no difficulty with.

2695 Mr Speaker, also in relation to the schedule to the Insurance Act and it applies across the board, where I see that there has been an amendment – and perhaps the hon. Member in his reply can explain to me the rationale behind that, because I simply do not follow it – where there is a splitting of the contributions by reference to the Act, as opposed to by reference to the fund itself. So I would be grateful for any explanations in relation to that.

2700 Mr Speaker, if I could just briefly review the Bill, quickly. I think, yes, another provision which cuts I think right across all of them is that the hon. Member is proposing to remove, in effect, the limitation period. As matters currently stand, you are basically off the hook if there is failure to take action on behalf of the fund, within a period, I think it is, of three years. I can understand that there is an analogous situation in relation to Income Tax, where I understand that once you have been assessed for Income Tax, there is no limitation period, and that in fact is expressly excluded in the Limitation Act itself. But maybe it is something that we could consider, as to whether there *ought* to be a prescription of the ability to be able to claim in relation to Income Tax as well after a certain period of time. Because, obviously, the whole point of limitation periods is that people, their memories will fade, there may be an inability to find witnesses and all the rest of it, so it is there for a reason. I am slightly less uncomfortable with that, because I can understand the rationale, but it is certainly a point which I raise as a matter of concern.

2710 Mr Speaker, I think all the points I have raised in relation to the amendments to the Insurance Act, again, they apply to all the others.

Mr Speaker, that is the end of my contribution.

**Hon. P R Caruana:** Mr Speaker, if I could just contribute to this debate, very quickly.

2715 The Hon. Minister said that this was bringing Social Insurance contributions [*Inaudible*] more or less into line with the PAYE regime and correctly reminded the House of something that we have often said to each other in the past, that there is a difference between a debt that you incur, on the one hand, and on the other hand, taking money out of a worker's pay packet and helping yourself to it and not forwarding it. And that is true and I think that the latter situation calls for much less sympathy than the former.

2720 The only limited point that I would like to make to him is, of course, that distinction does not apply to all aspects of Social Insurance contributions, because only *part* of Social Insurance contribution is 'taken from the worker's pay packet'. The employer's part of the contribution is not money to which the employer has helped himself from the employee, and therefore is much more akin to an unpaid debt. It is a primary liability of the employer. So to that limited extent of the employer's contribution, the analogy between the PAYE and the Social Insurance contribution breaks down, which is not to say that aligning the two regimes is necessarily, for that reason, wrong.

2730 I would, however, urge the hon. Members opposite to just think, before dismissing, the point that my learned Friend, Mr Bossino, has made in respect of the *absolute* liability of *all* directors. It is this reference to *any* director. Now, the hon. Member has said, in relation to PAYE, that this is just aligning the regime and that this provision exists. Well, I do not remember whether the PAYE regulations or the Income Tax Act say it in these terms, or whether it says it in terms that my learned Friend has mentioned,

about some language that imports some degree of knowledge or knowledge ability or culpability – whichever, and even if it is the Income Tax, it reads like this.

2735 I would urge the hon. Members to just give a little bit of thought to whether this is simply not too harsh a regime. ‘Any director’ as much includes the executive managing director, who consciously makes the decision to do these things, as it does the non-executive director, whose legal obligation it is to attend three or four board meetings a year, and make policy for the company, but has no actual knowledge of the day-to day conduct of the company’s business.

2740 Now, that is the point that my learned Friend has made. If this language is shorthand for the way directors are made liable in other legislation, then it may be that what they have dropped here is the culpability language, which would accommodate the point that I am making. If that is not a defect – in other words, if it is stated elsewhere in these precise terms, ‘any director’ – then there is an important issue here.

2745 Corporate governance principles require now, increasingly, companies to have non-executive directors. Non-executive directors are going to be very reluctant to serve, if they are obtaining personal liability for company debts which they are really not in a position, as non-executive directors, to monitor and to decide whether they happen or not.

2750 I do not know whether the hon. Members are minded to, but some language, such as my learned Friend has read out, about the imputability of knowledge or culpability to qualify the words ‘any director’ would militate the harshness of making every single board member, regardless of how remote they are from being able to protect themselves against this, actually having personal liability for the debt.

There are no politics in this point; it is an entirely technical point. If the hon. Members do not think it has merit, then so be it. But I think there is a serious point there on that question.

2755 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may just try and assist in dealing with some of the points that have been raised by my learned and hon. colleagues on the other side.

In section 2(4)(b)(4), the Hon. Mr Bossino has told us that he does not understand why there has to be a reference to the director authorising a person in writing, when in fact in the previous subsection of section 45 of the Social Security (Insurance) Act, there is already the provision for authorisation by the director.

2760 I think that the reason for that, if he follows my logic, will be clear. If he looks at section 45(2) and 45(3), they are both dealing – the ones in the principal Act – with *summary* recovery as civil debts. Has he got that? (**Hon. D J Bossino:** Yes.) Summary recovery of civil debts, and the authorisation power is in respect of summary recovery of civil debts.

2765 In the new 45(4) as it will be, we are dealing with debts being recovered, *other* than through summary proceedings. Therefore, there needs to be, in my reading, a power for the director to authorise people in respect of those other non-summary proceedings, because the power in subsection (3) of the existing Act is only a power in respect of summary proceedings. Does he see the point? (**Hon. D J Bossino:** Yes.)

2770 The second point that he made, dealing I think with the new proposed subsection (5), is when he says, well, this business of ‘has been ordered to pay’ – who is it that would have been making such an order to pay? Well, in fact, if he looks at the context, this is going into section 45, as a new subsection (4) and new subsection (5), the heading to section 45 is ‘Civil proceedings to recover sums due to fund’. We are dealing with authorising how those proceedings will start and be dealt with and, therefore, I believe that it is clear that any order to pay is an order to pay in such summary or other civil proceedings. I do not therefore think that there is any need to make a change to the proposed wording, for that reason.

2775 Finally, Mr Speaker, I want to just deal with this point about the joint and several liability of directors of companies. I hear what the hon. Gentleman has – (*Interjection*) Before I deal with this? (*Interjection*) It deals with the other point. Yes, sure –

**Hon. D J Bossino:** Yes, I am grateful.

2780 Mr Speaker, the Hon. the Chief Minister makes – I can understand where he is coming from – a distinction between the summary recovery of debts, which is the current architecture set out in section 45 of the Social Security (Insurance) Act, whilst the amendment says that, if it is, sort of, outwith the summary proceedings, then one needs... it gives the director the ability to appoint... either to institute the proceedings himself or any person authorised by him in writing. Now, if that is the rationale for, or the answer to that point, can the Chief Minister assist me and explain why that distinction is not also made in relation to the proposed amendment to the Social Security (Employment Injuries Insurance) Act, which is at clause 3(4), where there is simply no distinction? It simply says that:

2785

2790 ‘All sums due to the Fund shall be recoverable as debts due to the Crown...’

and basically repeats – not word for word, incidentally, and I think what it is lacking makes the drafting worse, if I may say so –

'and without prejudice to any other remedy may be recovered summarily as a debt.'

2795 The other provisions state that it will be recovered by a director, but that is an aside point.

Again, there is simply no distinction there, so it seems that, even in relation to new section 45A, to the Acts I have just referred to – it is a pretty long title, so I will not read it again – there is simply no distinction made. All it says is that:

2800 'Proceedings for the recovery of civil debts of sums due to the Fund may be instituted by the Director' again 'or any person authorised by him in writing.'

2805 So if the distinction is that in relation to summary proceedings, it can be done by a director or another officer authorised by him, with special or general directions from the director, but outwith summary proceedings, it requires another person authorised by the director without these controls, can he explain why that distinction does not arise in relation to the amendment which is proposed to clause – I referred to it earlier – clause 3(4)?

2810 **Hon. Chief Minister:** Well, I do not accept that it does not, Mr Speaker.

If he looks at what is proposed, at what will be also a new section 45, but here the whole new section 45, the first new subsection 45A(1) deals with a general provision as to recovery of civil debt; the second proposed subsection deals with summary recovery of civil debt; and the third, which is the bit that talks about proceedings being instituted by the director, is silent as to whether those proceedings are summary proceedings or non-summary proceedings. It just talks about civil debt. So I think that is where the distinction lies.

2815 I am not going to get into the amendment to section 48 of that Employment Injuries Act that is also being amended here.

Now, if I could –

2820 **Hon. P R Caruana:** Would the Hon. Chief Minister give way?

**Hon. Chief Minister:** Yes.

2825 **Hon. P R Caruana:** *[Microphone not on]* One distinction between the old language and the new language, which is not a likely one, is of course the use of any other 'person', as opposed to any other 'officer', suggesting that under the new amendment, it would not be another officer who was a civil servant, and that opens the possibility to a non-civil servant being appointed, under the new amendment, authorised under the new amendment, which could not be authorised. In other words, in the previous regime, it had to be an officer which was defined *[Inaudible]* through the Crown, whereas 'any person', which is the new language, opens up the possibility of sub-contractors to a company to private –

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*[Technical interruption]*

2835 **Hon. P R Caruana:** Repeat again?

In summary, Mr Speaker has asked me to repeat, but I will do so in summary, that one distinction in the language that he is not alluding to is the reference to 'any person', as opposed to another officer, under the old regime, which would have required it to be a civil servant. Any person, of course, can be any person, including a private contractor out or something like that. Is that a conscious piece of drafting? Has the Government chosen any person, as opposed to another officer, precisely so that it might be free to sub-contract this out to private sector companies or others?

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2845 **Hon Chief Minister:** Mr Speaker, there is no intention to sub-contract this out; this is the language that has been proposed by draftsmen. He will know that there are some debts which are recovered by people who are not officers. For example, he will know that in rates and rents, the recovery process is undertaken by Land Property Services, for example, but this is simply law draftsman language, rather than politically invented language. There is no reason, I think, to read into it than any intention to privatise.

2850 Mr Speaker, if I may deal finally just with the third issue that has been raised, which is the issue raised initially by my learned Friend, Mr Bossino and then by Sir Peter Caruana. I think it is very clear that people who are directors of companies have obligations to those companies, and that you cannot have shades of responsibility set out in legislation. Whether a judge wants to make determinations as to liability, when it comes to what a person did as a director, is a matter for courts, but in terms of liability, the liability, I think it is right, should be on all directors at a particular time.

2855 Now, you have executive and non-executive directors. Well, that is a distinction which is not strictly legal. A director is a director of a company and he has all the obligations of a director of a company. In

the old days, the hon. Gentleman will recall there was the mantra that there is no such thing as a nominee director and people used to go round saying, 'I am a nominee director of this, of that or the other', when there was no such thing.

2860 Now, we are dealing here with monies taken from people's pay packets, to a very great extent, although I take the point of the hon. Gentleman that, in some respects, there are amounts which are the liability of the employing entity, not taken from the wage packet of the employee. Therefore, Mr Speaker, I think it is absolutely right that we should consciously say that this is the liability of *all* directors of companies. Is it possible that one director could hide from the others that the liability is not being met? Absolutely, it is. Then there is a fraud being committed by that director on the other directors.

2865 Is it possible that one director could say that he would not give the information? Well, if people are directors of companies, then they are able to write to the Commissioner of Income Tax or the Director of Social Security and ask for up-to-date information on the amounts that are due and have been paid in respect of Social Insurance or PAYE, as the other example given. And in our view, Mr Speaker, if you are a director of a company, and you are taking a fee for being a director of a company, that means that you also have responsibilities to the company and to the employees in respect of Social Security and in respect of PAYE, etc. Otherwise...

2870 Therefore, we will not be persuaded that that is not language that should not actually be there. It is language that is important that people are aware *is* there, and that they take their responsibilities therefore in respect of liabilities to Social Security as seriously as they are required to take all their other responsibilities as directors, whether they are executive or non-executive.

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**Mr Speaker:** Does the hon. mover wish to add anything to the debate?

2880 **Hon. J J Bossano:** Well only, Mr Speaker, to say that we are very clear that what we are trying to do is bring about a situation where the Social Insurance contributions, as well as the PAYE contributions, are paid when they are supposed to be paid.

2885 For as long as I have been here, the Principal Auditor has been pointing out to Members of this House that the volume of arrears of Social Insurance has kept on growing up inexorably, and that there was a constant need to do something about it. The effect of course of the absence of that is that we have a Social Insurance Fund which is running at a deficit of £10 million, and that in effect, if we were trying to put that right, as we think we need to put it right, simply by reflecting what is needed to make the fund self-financing, what you would then be doing is passing the burden of the disappearance of this money on to other contributors, which would be completely wrong.

2890 So I think it is important that the message should go out that people will not be allowed to get away with it, and therefore, they have to take their responsibility seriously. Indeed, the system that was put in place by the previous administration, regrettably, has not had the effect that it would have been expected to have, which was that since this money is supposed to be handed in at the same time as the PAYE, there would be a commensurate improvement in the collection of Social Insurance. I think the fact that the same tough regime did not exist meant that if people had to choose between paying one or the other, they would pay the PAYE, which had greater consequences than the Social Insurance. We hope that the matter will be seen to be put right and that we will see –

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**Hon. P R Caruana:** Would the hon. Member give way?

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**Hon. J J Bossano:** Yes.

**Hon. P R Caruana:** Is he therefore just confirming what I was not aware of, that in fact in respect of PAYE, it does say 'any director' without any culpability language, or is he not aware of that?

2905

2910 **Hon. J J Bossano:** Mr Speaker, as far as I am aware, it does, because, you know, as I have said, the political will to bring this about was simply in terms of something that was already under consideration before 2011, reflected in the Auditor's report, and that in fact, in the 2012 report, the Auditor mentioned that he had been informed by the director in response to the annual comment that something needed to be done about these arrears, that the legislation was on the point of being finalised. But it is not something that has been put together with a political input requiring certain things to be included, except that the political directive has been to put in something that we are sure, or that the drafter is sure, is going to produce the results that we want to produce, which is namely that people will do what is their obligation, which is to hand over the money they have collected.

2915

I know that there is a point in saying the employer also is paying something, but of course, if you have got two employers and one pays the contribution for the employee and the other one does not and gets away with it, then what you have got is unfair competition, where eventually the good employer

says, 'Well look, I cannot compete with the other guy that is not paying his dues and getting away with it' – in this as in everything else.

2920 So I believe that the Bill has been designed over a number of years to achieve the same effectiveness in the collection of Social Insurance as was already in place for PAYE collections. That is what this is intended to do and there has not been any particular part of it that has been the result of a political decision.

2925 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend various Acts on Social Security and related subsidiary legislation to the Medical (Group Practice Scheme) Act, the Limitation Act; and for connected purposes, be read a second time.

Those in favour? (**Government Members:** Aye.) Those against? The Opposition?

2930 **Hon. D A Feetham:** We are abstaining.

**Mr Speaker:** You are abstaining. Carried.

**Clerk:** The Miscellaneous Amendments (Social Security etc.) Act 2013.

2935

**Miscellaneous Amendments (Social Security, etc.) Bill 2013  
Committee Stage and Third Reading to be taken at this sitting**

2940 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

2945 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

2950

**Crimes (Amendment) Bill 2013;  
Miscellaneous Amendments (Social Security, etc.) Bill 2013**

2955 **Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

2960 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Crimes Amendment Bill 2013; and the Miscellaneous Amendments (Social Security, etc.) Bill 2013.

*In Committee of the whole Parliament*

2965

**Crimes (Amendment) Bill 2013  
Clauses considered and approved with amendment**

2970 **Clerk:** A Bill for an Act to amend the Crimes Act 2011.  
Clause 1.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2.

2975

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, after clause 2, I am proposing an amendment, with the insertion of a new heading, called 'Amendment of the

Criminal Justice (Amendment) Act 2013'. Then it would say: '(3) The Criminal Justice (Amendment) Act 2013 is amended by repealing section 2(13).'

2980 **Mr Chairman:** Does any hon. Member wish to speak on the amendment proposed by the Hon. Mr Licudi? In that case, I will put the question, that the amendment be carried. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The long title.

2985 **Mr Chairman:** Clause 2 as amended? Clause 2 as amended stands part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

2990

**Miscellaneous Amendments (Social Security, etc.) Bill 2013**  
**Clauses considered and approved**

2995

**Clerk:** A Bill for an Act to amend various Acts on Social Security and related subsidiary legislation, the Medical (Group practice Scheme) Act, the Limitation Act; and for connected purposes. Clauses 1 to 8.

3000 **Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

3005 **Hon. D J Bossino:** Mr Chairman?

**Mr Chairman:** Yes, the Hon. Mr Bossino.

**Hon. D J Bossino:** Mr Chairman, in relation to the *[inaudible]*. Mr Chairman, I am not sure whether the hon. Members opposite have had a chance to consider – I am sure they have not – the point... It was a point of principle, but also a drafting issue, which arises from clause 2(4)(b), and the introduction of new subclause (5).

3010 If you recall in my intervention, I queried who is going to be the party ordering to pay. It is not set out clearly. In the context of a different Act, which I think is the (Employment Injuries Insurance) Act, it is clear it is the court which orders to pay. As it currently stands, just extrapolating that provision from the (Employment Injuries Insurance) Act into the (Insurance) Act, I do not think works from a drafting perspective. I just wondered whether any thought could be given to that point now?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the position that I tried to explain to the hon. Gentleman was that actually we think it is clear, that the order to pay is the court and that it is in the section simply about civil proceedings, and that is how I think it is dealt with.

3020

**Clerk:** Going back to announcing clauses 1 to 8.

3025 **Mr Chairman:** Clauses 1 to 8. Those in favour? (**Government Members:** Aye.) Those against?

**Hon. D A Feetham:** We are abstaining.

**Mr Chairman:** You are abstaining? The Opposition abstains.

3030

**Clerk:** The long title.

**Mr Chairman:** Stand part of the Bill.

3035

**BILLS FOR THIRD READING**

3040

**Crimes (Amendment) Bill 2013;  
Miscellaneous Amendments (Social Security, etc.) Bill 2013  
Third Reading approved: Bills passed**

**Clerk:** The Hon. the Chief Minister.

3045

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Crimes Amendment Bill 2013 and the Miscellaneous Amendments (Social Security, etc.) Bill 2013 have been considered in Committee and agreed to, without amendment, except for one small one on the Crimes (Amendment) Bill, and I now move that they be read a third time and passed.

3050

**Mr Speaker:** I now put the question, which is that (1) the Crimes (Amendment) Bill 2013; (2) the Miscellaneous Amendments (Social Security, etc.) Bill 2013 be read a third time and passed.

Those in favour of the Crimes (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Miscellaneous Amendments (Social Security, etc.) Bill 2013? (**Government Members:** Aye.) The Opposition abstains? (**Hon. D A Feetham:** Abstains.) The Opposition abstains. Carried.

3055

**ADJOURNMENT**

3060

**Clerk:** The Hon. the Chief Minister.

3065

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I congratulate Members opposite for having the maturity of sitting through this particular meeting of Parliament, and I now move that the House do now adjourn *sine die*.

**Mr Speaker:** I now put the question, which is that the House do now adjourn *sine die*. I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye. ) Those against? Carried.

3070

The House will now adjourn *sine die*.

*The House adjourned at 7.30 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 1.00 p.m.

Gibraltar, Thursday, 19th December 2013

## The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

### PRAYER

*Mr Speaker*

## Order of the Day

**Clerk:** Meeting of Parliament, Thursday, 19th December 2013.

(i) Oath of Allegiance;

5

### CONFIRMATION OF MINUTES

**Clerk:** (ii) Confirmation of Minutes – the Minutes of the last Meeting of Parliament which was held on 21st November 2013.

10

**Mr Speaker:** May, I sign the Minutes as correct? (**Members:** Aye.)

*Mr Speaker signed the Minutes.*

15

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees.

## Questions for Oral Answer

20 **TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT**

### **Solid growth in Gibraltar tourism Basis for reports**

25 **Clerk:** (viii) Answers to Oral Questions. Question 765/2013, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, it is the season to be jolly, so let us see how this session proceeds. I mean, really, on 19th December! I think it will make for a very interesting session. Let us see how it goes.

30 Mr Speaker, further to Written Question W122/2013, can the Minister for Tourism state on what basis the operators reported solid growth?

I think there is something in the sound system.

35 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, I note the hon. Gentleman's characteristic injection of charisma to the start of the proceedings of the House, and I take the opportunity to wish him a Merry Christmas and a Happy New Year.

40 In answer to his question, Mr Speaker, the basis on which the operators reported solid growth was on the sales, traffic and yield figures.

**Hon. D J Bossino:** And equally, I do wish the hon. Member opposite, and all the hon. Members, and the Speaker, and the rest of the Parliament, a Happy Christmas, and a Happy New Year.

45 My hon. Friend Mr Figueras is grimacing here, (*Laughter*) I suppose at the smarminess of the exchange.

Mr Speaker, does he know, because I know, that he based his press release very much on the report which he had received at the UKGTA meeting; and in his answer to the question, he referred me to that meeting, and he said that apparently there is an item on every agenda of the UKGTA where all the tour operators etc deliver their own updated reports?

50 Did he enquire further as to whether, for example, they reported an increase from the previous year, or previous years, given that he must have put an enquiry that there was an increase in activity, if I can put it in those terms?

55 And my question is whether he was able to empirically analyse the evidence that... well, first of all, I suppose whether the evidence was presented before him, and if it was, whether he was able to analyse it with some care.

**Hon. N F Costa:** Mr Speaker, I am happy to say, that British Airways Holidays, Superbreak Holidays, Classic Collection Holidays, Thomas Cook Cresta, they all reported solid growth.

60 Private operators tend to be careful when providing the Government with figures. I, however, trust them implicitly that they would not be reporting solid growth to the UKGTA, unless, of course, they had reported solid growth within their sales. I met with them individually after the UKGTA, where we did on some occasions look at figures, and they reported growth over the last year's figures.

65 **Hon. D J Bossino:** Mr Speaker, does he know whether the growth was in terms of numbers of passengers, in terms of the number of flights? We will have that information in any event. But I assume that, for example, if there was growth in the number of flight passengers, that will at some point be reflected in the official Government statistics, whenever the Tourism Survey Report is produced. Can he be a bit more specific?

70 **Hon. N F Costa:** Well, Mr Speaker, as I have intimated in the first supplementary to his question, I cannot be specific in the terms of percentages or figures, because those are, of course, commercially sensitive to the private operator in the UK.

75 He is right in saying that the official statistics in respect of passengers coming to Gibraltar by air will be reflected in the survey that is presented and laid in the table of the House. He will be able to make that empirical analysis himself.

In terms of the UK operators that have themselves announced increases, he will recall that Superbreak Holidays and Thomas Cook Cresta publicly announced during this year that the sales to Gibraltar had increased. So, they themselves had done so during the course of the year.

80

**Dredging vessel, *Norstar*  
Stability difficulties, 17th November 2013**

85

**Clerk:** Question 766, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Port provide an explanation to Parliament, stating the reason or reasons for the ship, *Norstar* adopting an 18° heel sometime during Sunday, 17th November 2013, whilst having in its cargo some 4,000 tonnes of material dredged from Ocean Village for the purpose of allowing the floating hotel to dock?

90

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

95

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the incident is presently being independently investigated by the office of the Marine Accident Investigation Compliance Officer, and the report will be finalised and published in due course.

100

**Hon. J J Netto:** Mr Speaker, could the Minister at least provide, whilst accepting what he has just said, the name of the company that was doing the work, in terms of putting the 4,000 tonnes inside the ship? What was the name of that particular company?

105

**Hon. N F Costa:** Mr Speaker, I am afraid I do not have that information with me. Of course, I know the company, but I am getting the name confused with another one, but if he writes to me, I will give that information to him.

110

**Hon. J J Netto:** Mr Speaker, could I perhaps help him by suggesting that it could have been Steel Mac?

**Hon. N F Costa:** Given that I deal with the names of many different companies in all of my areas of responsibility, I could be confusing the name of that company in respect of some other project.

115

**Hon. J J Netto:** Could I further ask, Mr Speaker, whether the Minister is aware – leaving to one side the name of the company which may have done the particular work – that the company was engaged either through a tender board decision or whether it was by direct allocation?

**Hon. N F Costa:** Mr Speaker, I will need notice of that question.

120

**Hon. J J Netto:** Mr Speaker, I will take it up by writing to the hon. Member.

**Hon. N F Costa:** I am very grateful to the hon. Gentleman.

125

**Sandy Bay  
Plans to construct underwater breakwater**

**Clerk:** Question 767, the Hon. J J Netto.

130

**Hon. J J Netto:** Mr Speaker, can the Minister for Tourism say if there are any plans by the Government to construct an underwater breakwater between the two newly created groynes at Sandy Bay, in order to maintain the sand in the enclosed area, given that at the moment the one deposited there earlier this year has been almost washed away by the levanter?

135

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

140 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, in the first place, I do not accept the premise contained in the second part of the question, that states:

‘given that at the moment the one deposited there earlier this year has been almost washed away by the levanter’,

145 for the reason, that I will explain shortly.

The construction of a submerged breakwater between the newly created groynes is currently underway. As was stated in supplementary answers to Question 209/2013, this was an option and it has been decided to proceed with it.

150 The submerged breakwater will enhance the protection provided to the beach even further, the full regeneration of which will take place next year. The sand that was deposited on the beach during this last summer was a very small amount within the context of the full regeneration volume. As opposed, Mr Speaker, to what happened when the former administration were in Government, where almost £1 million of taxpayers’ money vanished with the winter storm at Catalan Bay and Sandy Bay during 2011, the small amount of sand deposited by this administration this year has not been lost, given the protection

155 already provided by the groynes, but merely redistributed following wave action.

Moreover, the hon. Gentleman will have realised that, even before the groynes were completed, there was already considerable natural accretion of sand on the shoreline.

160 **Hon. J J Netto:** Well, Mr Speaker, first of all, I am grateful to the Member for taking the decision to construct the underwater breakwater in order to avoid any sand being moved away by the levanter – although I have to take issue with him, in the sense that he says that the sand there had not been taken away by the levanter. If the hon. Member wants, I have got a picture for him, which I can pass through the usher to him, where he sees that most of the sand has been taken away, so it is a reality, and I welcome the fact that he is going to take measures which I actually asked him to do in May of this year.

165

**Hon. N F Costa:** Mr Speaker, in the first place, I do not think that the hon. Gentleman has asked me a question, but I will happily reply to the preface of the supplementary that never was.

170 I also have photographs that showed how in 2011, the water came all the way up to the revetment of Both Worlds, so if he wants to exchange pictures after the session of the House, I will be more than happy to do so.

175

And, in the second place, it is not the case at all that we have done a submerged breakwater because he suggested that we did so, as *Hansard* will attest, and I have a copy of it here. We said that, at the time of constructing the groynes, the option of building an underwater breakwater was in fact being considered, but that the decision had not been finally determined until the groynes were built. That having been done, the experts having taken a look at it, they decided that the underwater breakwater would indeed be a good idea.

180

I also remind the hon. Gentleman that when they decided in 2011 to spend almost £1 million in placing sand at Catalan Bay, at Sandy Bay, they did so without the construction of any groynes at all, so that the sand that they deposited did in fact wash away, and it was washed away by that storm. And I have told him in the answer that the sand that we deposited, which was a very small amount, in addition to the natural accretion that came as a result of the curved groynes, has not been lost. It is just redistributed within the groynes area, so that we will be able to recover that when we do the full regeneration of the beach, which will take place next year.

185

**Hon. D A Feetham:** Mr Speaker, certainly from the Opposition’s side, what we are interested in is in the ultimate success of this particular project – not looking backwards, but looking forwards.

190

If at the end of the day – (*Interjection*) No, no, it is serious. If at the end of the day, the hon. Member is successful in keeping the sand within Sandy Bay, we will be the first to congratulate the hon. Gentleman for a job well done. (*Interjection*) But there appears to be... I do not know whether it is a difference in terminology or what it is, and so that I understand it, the Hon. Mr Netto used the term ‘moving’ of the sand, the Hon. the Minister has said that there had been a ‘redistribution’ of sand following wave action. Can he just explain what he means by that, and where has the sand been redistributed to? Because, of course, from my knowledge of the English language, redistribution and moving seem to be the same thing.

195

But can he just answer those two questions, please?

200

**Hon. N F Costa:** Mr Speaker, it is clear that the knowledge of the English language of the Hon. Leader of the Opposition does not extend to remembering what the hon. Gentleman said, in fact, at first. What the hon. Gentleman said, in fact, at first was that the sand had almost been washed away by the levanter. That does not imply movement; that means that it has disappeared.

200

And I have explained to the hon. Gentleman, twice now, that in fact the sand that was deposited, which was a very small amount of sand that was deposited... the rest in fact, believe it or not, was natural accretion, as a result of the groynes. That has been redistributed and held within the groyne area, so that when we regenerate the beach with the full amount of sand, which would be a lot more than the very little amount that we deposited, we will be able to recover that amount and replace it at the beach.

The technicians and the engineers who have written supplementary answers to me have guaranteed me that the sand, the little amount that we deposited, is within that area and will therefore be fully recovered when the full regeneration happens next summer.

**Hon. D A Feetham:** So, Mr Speaker, I just do not understand what he means by ‘fully recovered’. If it is fully recovered, it means it has gone somewhere. You have deposited – (*Interjection*) I am just trying to understand this. The Government has deposited sand – presumably it wanted to deposit more sand. It has not been able to do so, presumably because it is having difficulty – (*Interjections*) but all right, but let me just concentrate on the...

Where has the sand gone? I have been to Sandy Bay myself: there does not appear to be much of a beach there. Is it that it has actually moved into the water, and it is the Hon. the Minister’s position that that will eventually mean that there will be less sand that will be needed inside the water, which will mean that more can go onto the beach? I just simply do not understand what he is saying, when first of all, he talks about redistribution following wave action, and now he is saying again that it has moved – but where has it gone?

**Hon. N F Costa:** Mr Speaker, I think I have been exceptionally clear, but I will try to break it down to its constituent components.

In the first place, in the preface to the supplementary question, it is not the case as he suggested; it is that the Government, on the advice of the experts, decided to just deposit a small amount of sand, so that the full regeneration of the beach were to take place during next summer, that is coming. Because whilst the groynes were being constructed, obviously there was the possibility that if we fully regenerated the beach with let us say 100,000 tonnes of sand, then without the completion of the groynes, it would have been lost. This is why we decided on a small amount, which in addition to the accretion naturally of the sand on the shoreline, there would be a good chance that there would be a nice sized beach during last summer.

Now, redistribution means that instead of staying on the shoreline, it has gone on either side but contained by the groynes. That is it.

**Hon. D A Feetham:** So, Mr Speaker, he is satisfied – and now I understand what he is saying, it is on either side of the groynes – so he is satisfied that should, next year, the Government deposit more sand, that the groynes will do effectively their job, and that the sand will stay in the shoreline between those two groynes – that, at least as I understand it, there has, sort of, been like a test run with a small amount of sand, and the Government is satisfied that these groynes will do their job.

**Hon. N F Costa:** Mr Speaker, in the first place, as I always say when answering these questions, to be exactly accurate, because I am responsible for these statements in the House, I am not *personally* satisfied that the sand is there. I have not gone personally, dived in and checked. I am relying on the advice and information provided to me by the very people who are the professionals that have advised us on the construction of the curved groynes, and the submerged breakwater.

But I am satisfied, on the basis of that advice, and on the fact that – to my right, I have the Hon. Minister of the Environment, the Hon. Mr Cortes, who also forms part of the regeneration of Sandy Bay – that as a result of the curved groynes and the submerged underwater breakwater, there is very little possibility that there will be anything other than a very small amount of sand that may escape, but we are confident that the sand, the full regeneration of which will take place next year, will be nicely, neatly, tucked in by the construction of the curved groynes and the submerged underwater breakwater.

## SPORTS, CULTURE, HERITAGE AND YOUTH

### John Mackintosh Hall

#### Recruitment of caretaker and night receptionist

**Clerk:** Question 768 the Hon. E J Reyes.

265 **Hon. E J Reyes:** Mr Speaker, further to Questions W132/2013, 571/2013, 522/2013 and W61/2013, can the Minister for Culture say when the position of caretaker at John Mackintosh Hall will be advertised and by when it is expected to be filled?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

270 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 769.

**Clerk:** Question 769.

275 **Hon. E J Reyes:** Further to the answer to Question No. W99/2013, can the Minister for Culture and Heritage say when the vacancy for night receptionist at John Mackintosh Hall will be advertised?

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

280 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no decision has yet been taken as to when both vacancies will be advertised and filled.

**Hon. E J Reyes:** Mr Speaker, I note the answer, but I also note that it is a bit in contrast with the previous answers provided, because, in Question 571, the Minister said, in respect of the caretaker's post, that the vacancy post would be advertised in due course.

285 Then, Mr Speaker, in the July session of Parliament, in respect of Question 522, the Minister ended up by saying that:

'... the officers within the Culture Agency are preparing themselves to advertise the post...'

290 and he added a rider:

'I hope that with the word 'soon'...I am trying for it to be soon, as in sooner rather than later.'

And that was before we managed to get a suntan in Sandy Bay with the revamped sand.

295 And then in the written answer in October, he still says that this still has not been filled. So, is the word 'soon' still playing an important factor here, and is the Minister willing to at least commit himself a bit further on how soon is 'soon'?

300 **Hon. S E Linares:** Mr Speaker, I still stick to the answer to the question, which is: no decision has yet been taken.

As to when 'soon' is, we can just be speculating here what soon is, whether it is soon within two years, one year, a month or a week.

305 **Hon. E J Reyes:** And then, Mr Speaker, if I may, perhaps the Minister can enlighten us... I know in the past in respect of the post of caretaker at the John Mackintosh Hall, he has informed this House that in the interim period, awaiting the advertisement, the post is currently being filled by three trainees from the Future Job Strategy. Can he then say how the post of the night receptionist at John Mackintosh Hall... is that also being filled in by gentlemen or ladies on the Future Job Strategy?

310 **Hon. S E Linares:** No, Mr Speaker, they are filled up by a contracted officer from OSG.

**Hon. D J Bossino:** Just to home in on the point that the hon. Member mentioned in his reply, he says that no decision has been taken, but presumably it is within the possible decisions open to the Minister – is it possible that he may decide not to fill these vacancies?

315 **Hon. S E Linares:** No, Mr Speaker, because the answer to the question is: no decision has yet been taken as to when both vacancies will be advertised and filled.

320 **Waterport Terraces children's play park  
Refurbishment works**

**Clerk:** Question 770, the Hon. E J Reyes.

325 **Hon. E J Reyes:** Can Government provide details of any refurbishment works it may intend to carry out in respect of the children's play park at Waterport Terraces, together with respective estimated completion dates and estimated costs?

330 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the Ministry has met with tenants of the Estate with a view of refurbishing the children's play park. It is premature to give the hon. Member opposite the information requested, as in cost and estimated time.

335

**Cricket and rugby  
Alternative facilities to Europa Sport Ground**

340 **Clerk:** Question 771, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answers to Questions No. 560/2013 and 561/2013, can the Minister for Sports and Leisure inform this House if he has now identified and agreed upon with the respective Sports Governing Associations any alternative facilities to Europa Sports Grounds for the playing, teaching and development of either cricket or rugby.

345

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

350 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further formal and informal meetings have taken place with both the Rugby and Cricket Associations, relating to the playing, teaching and development of these sports. No further developments have yet been agreed.

**Hon. E J Reyes:** Thank you, Mr Speaker.

355 The Minister has updated us that he has met the Association and informed us that no developments have been agreed upon, but I did include there, in that question is, if he had identified alternative facilities? Can the Minister shed any light on that?

**Hon. S E Linares:** No, sir.

360

**Heritage sites  
Details of works carried out**

365 **Clerk:** Question 772, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answer to Question No. 567/2013, can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any Heritage related site; stating by whom these works were carried out?

370

**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

375 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question No. 567/2013, I now hand over to the Hon. Member opposite the information requested.

*Schedule to QUESTION No: 772/2013:*

380 Further works undertaken at Heritage sites inclusive of costs and works carried out.

(a) Site: South Port Gates

Works: Coats of oil based paint to the cannon at South Port Gates

Contractor: SFA Interiors

Total Amount: £ 785.00

385

(b) Site: St Jago's Arch

Works: Conservation Works (September)  
Contractor: Knightsfield Holdings  
Total Amount: £7,321.31

390

**Hon. E J Reyes:** Mr Speaker, so that I am sure I have got my record straight, on sub-paragraph (b), where it states that in respect of St Jago's Arch as a site, there have been conservation works carried out by Knightsfield Holdings amounting to just over £7,000 – Mr Speaker, is the Minister aware of, perhaps from figures he has got in front of him, is this in addition to whatever costs he may have given to me in previous answers to similar questions, or is this the grand total for the project that includes any information I may have received previously?

395

**Hon. S E Linares:** Well, Mr Speaker, the question says 'further to the answer' so – he starts the question by 'further to the answer' – so this is, I would say, an addition to what has already been given. You asked last month, and I am giving you, as you asked me, updates as they come. You asked the question and I updated. It would be an addition to what has already been stated. That is why there are only two items on the schedule.

400

**Hon. E J Reyes:** I am grateful, Mr Speaker, that does clarify the position for when one has to prepare future questions. (*Interjection*)

405

Yes, Mr Speaker, may we ask there, is the Minister aware if these works have now been fully completed, or are they still ongoing and this is just as updated information as he is able to provide?

**Hon. S E Linares:** As I understand it, we are hopefully going to inaugurate it very soon.

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**Hon. D J Bossino:** So therefore, Mr Speaker, in other words, we will not expect there to be any more updates in terms of further expenditure? That would be the end of the expenditure. Is that the correct analysis?

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**Hon. S E Linares:** As far as I understand it, I hope they do not bring in any more invoices!

#### **Gas storage facility Timeline for completion**

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**Clerk:** Question 773, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer given to Question No. 701/2013, can the Minister with responsibility for Utilities state what is the envisaged gas storage facility timeline, and whether completion of this aspect of works will be known when the tender is awarded?

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**Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, yes, sir, it will be known when the tender is awarded.

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**Hon. J J Netto:** Mr Speaker, I wonder whether the Hon. Minister has had the opportunity to have a discussion with the technical officers who have been preparing the tender notices, and whether they have given him a reason, or logic, why there is a need to have two separate tender processes – one for the actual construction of the new power station, and one separate to that for the gas storage facility, and how the two eventually will dovetail? I wonder whether he has had that conversation, and if he has had that conversation, whether he is able to provide Parliament with some further information to this matter?

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**Hon. S E Linares:** No, Mr Speaker, we tend to leave these things for the technical people to decide how to proceed in this matter, and then I... we trust them and we speak to them as to why they do it, if they say it has got to be done differently or separately, and that is how we do it.

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**Hon. J J Netto:** Mr Speaker, of course, we trust civil servants who do the work faithfully for us, but that is not the issue which I am raising.

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What I am saying is, as Minister for Utilities, he obviously has a vested interest in knowing what the timeline is on what is essentially one of the most important projects Gibraltar will undergo in the next couple of years, and whether the Minister has had the opportunity to raise the matter with them, and to



450 take an interest how the matter is proceeding, for the fruition of the total project – meaning the new construction of the power station, along with the gas storage facility. Has he had that discussion, notwithstanding the fact that he trusts civil servants?

455 **Hon. S E Linares:** Mr Speaker, I might have had the discussion – of course, it is an inter-ministerial group that is running the whole of the power station, and therefore things are discussed, and therefore when we discuss things, it is within us how they proceed, and they give us explanations of how they proceed, and we trust them implicitly as to the explanation, having had the discussion. That is what they have come up with, that is the timeline, or at least, the tenders have a final date, and from then we will proceed on selection and all the other process.

460 **Hon. J E Netto:** Mr Speaker, I am glad that there is an inter-ministerial committee, where they discuss these particular issues, but I am afraid that the Minister has not yet answered the question, and the question is, has he asked technical officers why there is a reason to have two separate tender processes, one for the construction of the new power station, and another one for the gas storage facility? Does he know the answer to the question?

465 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there is something like 33 parties involved in putting proposals. There are some people who can do one thing, there are some people who can do the other thing, and there are some people who can do the two things. If we limited the tender to only those that could do the two things, we would have to discard two thirds of the possible bids, and we might be worse off.

## TRAFFIC, HOUSING AND TECHNICAL SERVICES

475

### Mid-Harbour Estate Curtailling non-compliance of house rules

480 **Clerk:** Question 774, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, sir, further to the answer to Question No. 617/2013, can the Minister for Housing provide details of all works which have been completed, together with respective costs in respect of the actions he announced would be undertaken in order to curtail non-compliance of house rules at Mid-Harbour Estate?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 775.

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**Clerk:** Question 775.

**Hon. E J Reyes:** Further to the answer to Question No. 617/2013, can the Minister for Housing provide details of all works programmed, but which have still not been completed, together with their respective estimated costs, and completion dates, in respect of planned actions to be undertaken in order to curtail non compliance of house rules at Mid-Harbour Estate?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

500 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, further to my answer to Question No.617/2013, I am pleased to inform that the installation of the garage barriers is in an advanced stage.

The east entrance barriers have been completed, and the west entrance barriers will be completed by the end of this year. The costs for these works is £42,477.

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In respect of CCTV, the following works have been completed: a survey of infrastructure and installation of fibre from Fish Market Lane to Mid-Harbour's Estate; installation of cameras on the car park level.

510 The ongoing works, which are now nearing completion, are: connection to the main fibre ring; procuring CCTV signs; infrastructure costs for the cameras at podium level. The cost of works to date totals £11,522.

There are costs to do with infrastructure works that are still being determined. I am therefore unable to provide an estimated project cost at this stage.

515 **Hon. E J Reyes:** Thank you, Mr Speaker.

If I may first of all, sir, in respect of the barriers that the Minister has just said have been already installed, can he confirm that these are already not only installed, but fully functional or, if they are still not functional, by when is that phase of the works expected to be in operation?

520 **Hon. P J Balban:** Mr Speaker, the plan is, as I said, that there still is... will remain to install by the end of this year the last barrier, which is the west entrance barrier, and until the CCTV cameras are fully operational, the barriers will not be operational either.

525 **Hon. E J Reyes:** And then, Mr Speaker, seeing they are both so closely connected, the CCTV cameras, one presumes, will obviously record images and so on, who will have access to those recordings made by CCTV cameras? Will that fall under the Government, through either the Housing Works Agency, and so on, or will it come under the body like the Tenants' Association or the Royal Gibraltar Police? Can we please have a bit of information in that respect?

530 **Hon. P J Balban:** Mr Speaker, the CCTV cameras will be linked to the Police Control Room, so it is the RGP.

535 **Hon. E J Reyes:** And Mr Speaker, the RGP will then make, if the need arises for whatever legitimate purposes... will the RGP be answerable to either the Housing Ministry or the Housing Works Agency, as the landlord or the landlord's representative, or is this going to be passed off or delegated to the Tenants' Association themselves.

540 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Well, Mr Speaker, in the same way as other public CCTV cameras are in operation in other areas of Gibraltar and will be in operation in other estates, not just this estate, the RGP, through their control room, will be able to monitor and record everything that happens through those cameras. So if there is an incident, the matter will be reported to the RGP and the RGP itself will be investigating whatever it is that happens. It is not a question of the RGP being answerable to anyone. They will have access to that footage, and they will be able to investigate any incidents that occur.

545 **Hon. D A Feetham:** Yes, as I understand it, it is effectively a continuation of the policy that we instituted when we were in Government. The RGP are working to a code of conduct specifically formulated for the basis of ensuring that there is no invasion of privacy, in terms of where the cameras can focus, where they cannot focus, etc. Can he confirm that really that is effectively what we are talking about?

550 **Hon. P J Balban:** Mr Speaker, I am not sure I understand the reference in the preface to the question about a continuation of a programme. We have installed fibre optic cables, we have installed CCTV and this is a continuation of our programme which we initiated, which we said we would do and will extend to a number of estates.

555 But the position is, certainly, that this is something that will be monitored by the RGP. They will have access to this, in the same way as they have access to the CCTV in other public areas.

560 Now, when we launched the public CCTV project, and we said how the cameras would operate with masking, with certain codes of practice, all that will continue to whichever other areas we install public CCTV in. So this will certainly form part of that overall public CCTV scenario, which will in fact include in due course other estates.

**Hon. D A Feetham:** Mr Speaker, perhaps I can refresh the hon. Gentleman's memory when he says that he did not quite understand the prefix to my question.

565 Does he not accept that three quarters of the fibre optic cables were actually laid when we were in Government; that in fact, this was a project that I had given the go ahead, when I was Minister for Justice; that cameras had already been installed, when we were in Government? And I am referring to in particular – (*Interjection*) Yes, Mr Speaker, and I am referring in particular to the cameras in Irish Town. Those were already set up when we were in Government.

570 Look, it is not a question of us wanting to take credit. I accept that the Hon. the Minister has actually continued with our policy and is effectively completing it, but what he cannot do is just simply whitewash or remove the fact that this was a project that was started and was implemented, largely, when we were in Government. Does he not accept that?

575 **Hon. G H Licudi:** Not at all, Mr Speaker. My recollection from the time that we went in, is that I gave the go ahead for the contract to be signed and for the fibre optic cable to be laid, and this was approved by us.

580 There may have been, and I certainly recall this, there may have been negotiations and some drafts prepared in advance, but – and I am talking purely from memory now – but my memory is that the contract was actually signed after this administration came into office, and the works actually started at that time. That is certainly my recollection and I certainly remember giving the go ahead, having seen the plans, having discussed with the RGP the location of the cameras, having been involved myself in where those cameras were going to be, and where the fibre optic cable was going to be.

585 Having been involved myself, I gave the go ahead to that, but it is irrelevant as far as we are concerned. This is something that is up and running. It was not, in any event, Mr Speaker, part of those plans which the hon. Member was talking about to have cameras installed in Mid-Harbour's. Mid-Harbour's was being constructed during the time that they were in office, and at no stage did they include in their plans for Mid-Harbour's CCTV. This is something that we have decided, and we have implemented.

590 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon N F Costa):** Hear, hear. (*Banging on desks*)

595 **Hon. D A Feetham:** Mr Speaker, he may be right about Mid-Harbours, but the hon. Gentleman has got selective memory. He cannot recall the fact that fibre optic cables were laid when we were in Government. He cannot recall the fact that cameras were installed in Irish Town. (*Interjections*) He cannot recall the fact that I believe that cameras were installed in Castle Steps. (*Interjections*) In Castle Steps, cameras were installed (*Banging on desks*) and he cannot recall the fact that cameras were installed–

600 **Mr Speaker:** If I may, the question – if hon. Members will look at the question – the question has got nothing to do with Irish Town or with any steps anywhere in Gibraltar. (*Laughter*) The question is about the Mid-Harbour Estate and I will ask hon. Members to stick to that. (*Interjections*)

605 **Clerk:** Question –

**Hon. E J Reyes:** Mr Speaker, following your sensible advice, and sticking completely to the question, can I bring the Minister back to Question 775? I hope my wording has led him to perhaps understand it better.

610 But it says I wanted details of all works programmed, but which have still not been completed. The Minister has kindly given me the information in respect of the barriers and CCTV, they were all matters that he had informed this House previously. But I separated the questions, one, two, to ensure that, Mr Speaker... saw the difference between two questions. I did not have one question that was very long winded, and I think they are two separate items: Question 774 referred to those which have been completed, and rightly, in the answer, the Minister referred to previous announcements. But Question 775 gives the Minister an opportunity to offer the tenants there, through this Question and Answer session in the House, is there anything that he has programmed that has still not been completed, but certainly imminent, and he can shed some extra joy during this festive season to those tenants.

620 **Hon. P J Balban:** Mr Speaker, in terms of the costs for the works of the barriers, as far as I am aware with the information I have been provided with, the £42,477 should be the total cost, even though we are weeks away from completion. That is my understanding that that is the total cost. There should be nothing else after that. Having said that, I will not put my... there could well be, but that is as far as I am aware.

625 Now, when it comes to the CCTV cameras, there are other things pending, which we are still awaiting quotes for, which it is impossible for me to provide that information at present. For example, we are still awaiting quotes for the signage and we are still waiting for other infrastructural works – for quotes on infrastructural works. So, as I said, once this information is available to me, I will be most happy to provide him with it.

630 **Hon. E J Reyes:** Thank you for that, Mr Speaker.

So, will the Minister inform this House when he has received that, or is he recommending that I pose this question again in the future, with Mr Speaker's leave, so that we can have an updated information sometime in the New Year?

635 **Hon. P J Balban:** Mr Speaker, I am happy for the hon. Gentleman to pose the question again in the future.

**Mr Speaker:** I think I should remind hon. Members that you cannot ask the same question within a period of six months. Those are the Rules of the House. If they want to change the Rules of the House, I  
640 am very happy that the Select Committee should do so immediately and bring a resolution here. But you cannot ask the same question within six months.

What the hon. Member is also free to do, to get that information, is to write to the Minister. What is the problem in writing, and getting an answer on a specific issue, within what has been a fairly wide question and answer?  
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**Hon. E J Reyes:** You are perfectly correct, Mr Speaker, hence... I don't know, one can interpret it rather cheekily but I said 'with Mr Speaker's leave', because I was aware of these Rules.

Mr Speaker, you are correct there is nothing wrong in my writing. Unfortunately, you see, if I enter into correspondence with the Minister, it becomes a correspondence between two Members of this House,  
650 and not quite something that is easily heard by the general public, and we then enter into a battle that we neither of us intend to, of press releases – I ask the Minister and the Minister said and so on –

**Mr Speaker:** Let me tell the hon. Member what he can do. He can ask a specific question on one issue, but not within the general ambit of the Mid-Harbour Estate. If it is a single issue on which he wants  
655 information, which happens to be within the Mid-Harbour Estate, he can ask the question about that specific matter, but not within the ambit of a repetition of either Question 774 or 775. Does he understand the point that I am making?

**Hon. E J Reyes:** Yes, Mr Speaker, I understand that, and by all means, should I have any doubt, I  
660 know that you always make yourself available for any clarification. Thank you.

665 **Re-allocation of empty homes  
Costs and details of repairs and cleaning**

**Clerk:** Question 776, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of all expenditure  
670 incurred, since the answer to Question No. 618/2013, in respect of contracts awarded for making empty homes suitable for re-allocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating if the services contracted were for either repair works or cleaning services?

675 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**The Hon. the Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

I would also like to draw the hon. Gentleman's attention to the bottom sentence, which specifies that all services contracted were for repairs, none were for cleaning.

Answer to Question 776

Contractors	No. of Properties	Cost
ANDY HOLDINGS LTD	1	£11,450.00
S01 CONSTRUCTION CO LTD	1	£11,047.96
W & N WORKS LTD	1	£10,130.00
BCS LTD	1	£47,287.91
GARCIA & PEREZ CONSTRUCTION	1	£18,500.00
ABEGON	1	£7,914.43
CIAP CONSTRUCTION CO LTD	1	£22,883.60
SFA INTERIORS	1	£6,005.00
ESS	1	£8,440.00
SA CONSTRUCTION CO LTD	1	£4,150.00
ERNEST LOPEZ & SONS LTD	1	£9,588.00
BCS CONSTRUCTION	1	£7,690.60
AVANTI CONSTRUCTION CO LTD	1	£3,400.00
W & N WORKS LTD	1	£12,821.50
INLINE FRAMING	1	£16,280.00
SFA INTERIORS	1	£10,221.90
A & K GENERAL BUILDERS LTD	1	£8,450.00
ON THE LEVEL LTD	1	£17,241.99
ANDY HOLDINGS LTD	1	£21,900.00
ABEGON	1	£6,195.00
ABEGON	1	£15,636.00

ALL SERVICES CONTRACTED WERE FOR REPAIRS  
NONE WERE FOR CLEANING

680 **Hon. E J Reyes:** Mr Speaker, if I may, the Minister has provided us this list, but in one particular occasion, a huge figure sticks out that is in respect of an expenditure of £47,000. It does seem a big amount. (*Interjection*) (**Hon. J J Netto:** Provide details...) Yes, sorry.

685 So, Mr Speaker, I was saying that what first sticks out is a huge figure in respect of an expenditure of £47,287, in respect of repair works for one property alone. Given that it is almost four times as much as what seems to be an average type of expenditure, does the Minister have any information there, that he can shed some light in respect of why such a big expenditure in that single property?

690 **Hon. P J Balban:** Mr Speaker, with reference to the figure that the hon. Gentleman is referring to, BCS Ltd works was instructed by the Housing Department to do specialist works for the amount of £47,287.91. The works in fact were two houses which were converted into one. They required extensive repairs to the roof as a result of water penetration, and the construction of a new staircase to join both houses. Hence the figure in question.

695 **Hon. E J Reyes:** Thank you for that information, Mr Speaker.

I understand now that it was really a conversion of two into one, and roofs and so on, and costs do escalate, but given that it is such a big figure, can the Minister enlighten us as to why, in this particular case, given the huge scope of works there, why it was not put out to tender but rather just allocated, as seems to be the norm for other repair works, all of which keep more or less close to the £10,000 mark?

700 **Hon. P J Balban:** Mr Speaker, the procedure is that for any particular job or works that need to be carried out, three quotes are sought, and based on those three quotes, the decision is made as to which company gets the works.

705 **Hon. E J Reyes:** Yes, Mr Speaker, I know this matter of obtaining three quotes is certainly something that we think is acceptable – it has in many cases been carried out by this party when we were in administration – but is there any particular ceiling, sort of, saying if a job is going to be over £10,000 or £15,000, then it is not just simple three questions of calling round people on a particular list that the Ministry may have, but rather making it fairer, you know, and making the general public and other contractors aware that there is a major refurbishment work going out? I mean, it is a substantial sum of money.

715 **Hon. P J Balban:** Mr Speaker, all jobs, regardless of size, are submitted to the three quotes system. If the job is a larger job, then it is the larger companies that are invited to provide us with a quote. If there are smaller quotes, then it is the smaller contractors which are invited to provide quotes for a given job.

720 **Hon. E J Reyes:** So, Mr Speaker when the Minister is saying that if it is a big job, then it goes to the bigger companies, so if instead of £47,000, it were to be £472,000, would it still then just be a phone call to three companies picked at random by whoever? Or when does this system of a public announcement to all companies come in? Is there a guideline of a particular figure?

(**Minister for Enterprise, Training, Employment and Health & Safety**) **Hon. J J Bossano:** Mr Speaker, the system that was introduced in 2010 continues to be in place, which was that the tendering

725 process was suspended, and the work was distributed to people on the approved contractor list, unless it reaches the level required by the EU to be put out to tender. A statement was made at the time by the previous administration. We are continuing with that wise system.

**Hon. E J Reyes:** So the Minister has confirmed that there has been no change in respect of what the GSD had implemented.

730 **Hon. D J Bossino:** Mr Speaker, sorry just one further supplementary: is the Minister for Housing able to tell me whether any of these companies are beneficiaries of the start up schemes set up by the Government – basically, those companies which are able to register, I think originally it was No. 6 Convent Place and then Town Range? Do any of these companies benefit from that Government policy?

735 **Hon. J J Bossano:** Mr Speaker, the allocation of the work is given on the basis that it normally goes to the lowest tenderer, the lowest price, unless the prices are very close to each other, and there is a company that is running out of work. The whole process of allocating work is to ensure that there is continuity of work, so that people do not get laid off.

740 All these companies that do work for the Government are encouraged to take on trainees. All of them, whether they are companies formed with Government help by people previously employed or they are companies that were already in existence, they are all treated in exactly the same way.

745 **Hon. D J Bossino:** Yes, I know he will not tell me how many trainees are employed in each of those companies, because he does not tell me who the employer companies are from the private sector. But the question was related... I am not sure whether the hon. Member understood. The question was really related to those companies or that service which is being provided by the Government which includes registration at No. 6 or Town Range, and I wanted to know whether it was... not whether they employed any FJS trainees, but indeed whether they benefited from that Government policy.

750 I suppose I could carry out a search and find out whether they are registered in any of those places, but it is possible, in fact, even if I did carry out a search, that it was originally registered in No. 6, or Town Range, because it benefited from the Government policy in relation to nurture schemes, and then have gone to another corporate service provider.

755 **Hon. J J Bossano:** Well, Mr Speaker, I think we have already explained the system, but I will explain it again. Some people who are unemployed and who are having difficulty in getting employment in the construction industry, for example, have been given assistance in setting up a company, because clearly they are unemployed, they cannot afford to use these services to set up a company.

760 When they are up and running, then they find their own lawyer, their own accountant, and their own premises from which to operate, they join the approved contractor list, and they are treated with exactly the same criteria as anybody else that may have started off life in a different way. So they do not get preferential treatment, nor are they discriminated against.

765 **Hon. D J Bossino:** But, Mr Speaker, I am not sure whether the... I do not think... the hon. Member is not answering my question. Does he know...? He may not know, and he may not be able to tell me, he may need notice of the question, I accept all of that. But is he able to tell me that of those companies which are listed in answer to Question 766, whether they have benefited from, or are currently benefiting from, the nurture scheme policy of the Government?

770 **Hon. J J Bossano:** Well, Mr Speaker, what I am telling him is that when the decision is taken, whether a particular company gets the tender or the job to do for the price that it has quoted, in that decision, there are no boxes ticked which determines how they came into existence, whether they got any help. So the answer is that any one of those companies may or may not be, but that is not something that enters into the allocation of work at all. (*Interjection*)

775 **A Member:** Does he know?

**Hon. J J Bossano:** Well, do I know, because of the names, says the hon. Member. Well if I did, which I do not, I would not tell him. (*Laughter and interjections*)

780 **Hon. D J Bossino:** Mr Speaker, what was the answer? He would not tell me. That is the answer I expected, but just to confirm is that what he said?

**Hon. J J Bossano:** I am glad to satisfy his expectations, Mr Speaker. (*Interjections and laughter*)

785 **Hon. D J Bossino:** You never fail me. *(laughter)*

**Hon. J J Netto:** Mr Speaker, if I may, I would like to take the Hon. the Minister for Employment back to one of the answers he provided just a minute ago, where he said that the system, that they applied the system, that it was introduced by the GSD Government in 2010. In the sense of looking at the approved list of contractors and within their approved list of contractors, then determining, basically, by  
790 calling on three contractors within the approved list, which one basically or normally is the lowest bid.

Now that is not exactly what the GSD policy was in 2010. The GSD policy in 2010 was by all means to have... well, even before 2010, the approved list of contractors. But there was certainly thresholds as to the amount in which Departments – the Department then used to be Buildings & Works, now the Housing Agency – were able to pick up the names of the companies on the list, and basically call up three. There were thresholds, because I remember below £10,000, it would go to jobbers, which is just a person, self-employed more often than not; and beyond £10,000, the next threshold would be £100,000, which would go to a contractor, and then –  
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800 **Mr Speaker:** Will the hon. Member please ask a question.

**Hon. J J Netto:** The question I am asking is that according to the threshold, below £10,000 it would go to the jobber, but beyond £10,000 it would go through a tender process, with the exception of GJBS. Is the Minister telling the House now that the policy has changed, and regardless of the size of the contract, even if it is half a million pounds, it will not go out to tender, and he will simply be asking three within the approved companies, in the list of contractors?  
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**Hon. J J Bossano:** I can tell him that the policy that he claims existed is not the policy that was in existence in 2011. And I can tell him that the list that he mentions, which was the list that was held by Technical Services which had the thresholds, the thresholds were not because of any tendering, but whether the company had the capacity to take on work. Indeed, whenever... and by the way, that list was completely in disuse. When we asked about that particular list, the list which had the technical capacity of somebody to take on a £1 million work, or £5 million work, or £10 million work, we were told that that had not been looked at for many years. There were indeed on that disused list people like Bruesa and OEM, as if they were still alive and kicking.  
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So the answer to his question is that the policy which he claims was there was not the one that was operating.  
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But in any event, of course, we are not obliged to continue with the policy that we find there, unless we think that that policy is one that we can subscribe to, and the basic policy that was different was that there was an announcement made that the tendering process was being suspended below the threshold required by the EU, which is, I think, something like €4.9 million, and that the allocation would be done in conjunction with the Employment Service, he may remember, where the companies were required to take on people from the Employment Service, and indeed, to require the consent of the Government, before they could terminate the employment of anybody that they had taken on, because it was a condition of getting the work that they would employ people who were unemployed, and registered as such.  
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And that is still the system that is operating – with the lists that existed then, plus the people who, you know, have set up a business since.  
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830 **Hon. D A Feetham:** Yes, Mr Speaker, I can tell the hon. Gentleman, that the list was operational, because I, on many occasions, got complaints from people who thought that they should be allowed to tender for work or to be allocated work over, say for example, half a million, but Technical Services would not allow that because they were rigidly sticking to the list.

But the question is this: did I understand the hon. Gentleman correctly when he said earlier that the works are allocated, normally, in accordance with who is the cheapest, who provides the cheapest price for the job? Which implies that there must be some kind of tender system – whether it is a formal tender system, whether it is advertised, or alternatively an informal, effectively, tender system, where you are inviting a number of companies – for example, you identify five companies that have not had work for a period of time, to actually price for a particular job. I mean, how does that work? Am I right in what I have outlined to the Hon. Minister?  
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**Hon. J J Bossano:** Yes, the hon. Member is right. The people are invited to put... I mean there is an element of offering it to people that are considered by those who know what they are doing, and know the people concerned, that they are capable of doing the work – some jobs are more specialist than others and require more skills than others, or more experience – or that the company should have been around for a  
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longer time, so that at the end of the day they do the job satisfactorily, otherwise they would not get paid, of course, but it would not be in anybody's interest that that should happen.

850 So, essentially, what happens is that normally there are three quotes, and there is a tendency – I am sure the hon. Member knows, because it has always been there – that when people have got a lot of work, they tend to put a higher quote, because they are less in need of it, and therefore they are only interested in getting it if the margin is big enough. So the reality of it is that when there is a gap of a certain level, depending on the size of the work, the lowest of the three will normally be given the work.

855 Since the companies are companies that are constantly being given jobs, many, many jobs have been given out using this system in the last couple of years. The technical people know that they are capable of doing it or not.

860 If the three quotes are very close, and one is running out of work and needs the work more than the other two, because the other two are still doing work for us which is unfinished, then in fact, there may be a small difference in price, a few hundred, or a few thousand pounds, depending on the size of the project, and then the people that need the work must get it, because part of the system is linked to employment.

865 The entire thing, when it was announced in the House, was announced on the basis that it would be linked to taking people from Employment, and therefore it is not in the interest of the industry, or in the interest of the Government, or the individuals, that we should have somebody getting all the work, and then somebody else having to lay off people, and that is what we try to avoid. So the people that have got the policy brief to look at how the work is dished out work on that basis, which I believe was the spirit into which the decision was taken when it was introduced.

870 **Hon. D A Feetham:** Mr Speaker, who effectively takes the decision to allocate these particular contracts – which as I understand it, what he is saying is really there is an informal tender or pricing system, where you look at three or four companies based on a variety of criteria, employment being one of them, lack of work, being another – but, who are the people that effectively make this decision? Is it the Minister, or is it people from the Technical Department, people from his Department?

875 **Hon. J J Bossano:** The people that are doing it are people who have been working in the Housing Work Agencies, either at PTO or craft level and know what they are doing. I would not be qualified to know whether somebody can do a job or not. I mean the actual decision on the money, anybody can do, because it is just a number there of what the price is. That could be done by a clerical assistant, but it is not done by a clerical assistant, because in addition to the price, which would be a very simple thing to do, people have to be confident that the work is going to be performed to the standard that is required.

880 **Hon. D A Feetham:** But when the contract actually gets beyond a certain numerical level, is there then any kind of ministerial involvement at all? I can understand that if you are dealing with small jobs... but even with small jobs, it would be in the Minister's interest. Obviously, the Minister has a duty to keep a handle on the expenditure, because £10,000 or £20,000 contracts, if you have a series of these contracts, it can actually add up.

885 But I can understand with smaller contracts that one can allow the Housing Agency staff to make decisions, but is there a threshold over and above this that has to be referred to the Hon. the Minister? And also, is there effectively a budget? In other words, if these small contracts add up over a period of time, to more than, I don't know, £200,000, there is then a system whereby the Hon. the Minister gets notified, so that obviously he can then keep a handle on the expenditure in relation to this?

890 **Mr Speaker:** Before the hon. Member answers the question, that is the last question that I am allowing on the system, because there is nothing in the original answer about the system, on the basis of which contracts are awarded. It asks for details, for information, payments and so on, but the Hon. Mr Reyes did not ask what is the system used in allocating these contracts. I have allowed a number of supplementaries on this matter, which are beyond the ambit of the question. I think that is the last one I should allow.

900 **Hon. J J Bossano:** Mr Speaker, the procedure is that when there is a requirement for refurbishment of Government housing, somebody goes to inspect the work that is required, they produce a scope of work, then somebody employed as an estimator produces an estimate of what the cost would be, if it was done with direct labour. And then the three companies are invited to put in a bid, all of which are expected to be below the cost that has been estimated and generally are.

905 So there is no need to be concerned, or checking that it is getting out of hand, because the controls are there in the first place. If we cannot get a price that is below the price that has been estimated, given that there is a very substantial gap between the wages from direct labour and the wages in the construction industry, so one would expect that the price should be down below, but if that does not happen, then we



would normally ask somebody to take a look at the actual scope of works that has been identified, to see what is the explanation.

910 But, in 99% of the cases that does not happen. In 99% of the cases, as far as I recall, nobody has ever said to me the prices that have come in are too high, compared to what the Department would be estimating should be the cost, if it was done with direct labour. So, the answer is that really it is driven by the requirements of the job, as a result of the investigation of the state of the building and the scope of works identified, and the estimate done by people in the public service.

915 **Mr Speaker:** Next question.

920 **Government rental homes  
Assignments and repairs**

**Clerk:** Question 777, the Hon. E J Reyes.

925 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question No. 619/2013, indicating how many will be repaired by: (a) the Housing Works Agency; (b) sub-contractors; and (c) the assigned tenants themselves?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

930 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question No. 619/2013, 12 flats have been assigned.

The repairs are to be undertaken by the following: Housing Works Agency – two; sub-contractors – seven; the assigned tenants themselves – three.

935

**Urgent decanting of tenants  
Reasons and dates of decanting/return**

940 **Clerk:** Question 778, the Hon. E J Reyes.

945 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question No. 623/2013, indicating the reason why, the date when said decanting became necessary, and the date when the tenants were able to return to their home?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

950 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, two tenants have required urgent decanting since the answer to Question No. 623/2013. The reason why, the date when said decanting became necessary, and the date when the tenant was able to return to their home are as follows:

Tenant 1 was decanted due to refurbishment works; the date the decanting became necessary was 2nd December 2012; and the date when the tenant returned home is 16th December 2013.

955 Tenant 2: once again the reason was to do with refurbishment works; the family was decanted on 11th November 2013; and the works are still ongoing.

960 **Hon. E J Reyes:** Mr Speaker, am I correct in my understanding that Tenant 1 was decanted in December 2012 and was away for a whole year? If that is the case, is this Tenant 1 not included in any statistics of any previous answers that the Minister may have given me? Because then, when I add up figures over a given period, I could be duplicating Tenant A or whatever. Can the Minister shed some light?

965 **Hon. P J Balban:** Mr Speaker, I will have to check that for him, but I think there is a chance there has been a mistake there. The likelihood is that it has been 2nd December 2013 as opposed to 2012, because otherwise this tenant would have appeared in previous questions. So I will check that for him, but I am pretty sure there has been a typo there, okay.

**Residential homes  
Allocations and assignments**

970

**Clerk:** Question 779, the Hon. E J Reyes.

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**Hon. E J Reyes:** Can the Minister for Housing, say how many residential homes have, since the answer to Question No. 624/2013, been: (a) allocated; and (b) assigned, showing the room composition of the respective homes?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

980

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer to Question No. 624/2013, 49 flats have been allocated, and assigned as follows:

Allocated: 1RKB, 2; 2RKB, 10; 3RKB, 20; 4RKB, 4; 5RKB, 1; 6RKB, 0. A total of 37 have been allocated.

985

Assigned we have: 1RKB, none; 2RKB, 3; 3RKB, 8; 4RKB, none; 5RKB, 1; 6RKB, 0. That is a total of 12.

**Government rental homes  
Unpaid rents**

990

**Clerk:** Question 780, the Hon. E J Reyes.

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**Hon. E J Reyes:** Further to the answer to Question No. W145/2013, can the Minister for Housing provide updated details of arrears in respect of unpaid rents pertaining to Government rental homes, as at the end of November 2013?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1000

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the total amount of arrears in respect of unpaid rents, as at the end of November 2013, was £4,881,807m.

**Hon. E J Reyes:** Thank you for that, Mr Speaker.

1005

That information, when added together with the full list that he gave me through the Written Question 145, shows in a way a standard type of increase from month to month, and I wish to express my concern, and share it with that of the Minister, given that this is money owed to Government and fairly, if they are in arrears, is the Government in a position to say how it hopes to introduce some sort of programme so that this list of unpaid rents? We may start to decrease it, rather than see a steady, but yet substantial increase over a number of months.

1010

**Hon. P J Balban:** Mr Speaker, the system in place remains the same as it was prior to the date of the election, when arrears were ready on the £4 million mark.

1015

**Housing Works Agency  
Retired, transferred and seconded employees**

**Clerk:** Question 781, the Hon. E J Reyes.

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**Hon. E J Reyes:** Can the Minister for Housing provide updated information, inclusive of details of grades and dates, in respect of any further employees of the Housing Works Agency who have been: (a) retired; (b) transferred; and (c) seconded, either from or into the Housing Works Agency, since the answer to Question No. W146/2013.

1025

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer to Question No. W146/2013, one craftsman retired on 16th December this year, and no employees have been seconded or transferred.

**Housing Works Agency  
Update re comprehensive review**

1035 **Clerk:** Question 782, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to Questions No. W147/2013 and 616/2013, is the Minister for Housing now in a position to furnish this House with any details of the comprehensive review pertaining to the Housing Works Agency and the Ministry for Housing which he has previously answered was now being considered by Cabinet?

1040 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, as previously advised, the internal report was passed to Cabinet and is still under consideration.

1045 **Hon. E J Reyes:** Does the Minister have any indication of by when it would have been considered, so we can sort of have some feedback, given that this question has been going on with the Minister's leave, 'further to question...' and so on? But I seem to be a bit monotonous, month in and month out, trying to see if we can establish by when we expect it to be completed and become public, especially for the sake of the employees of the Agency and the Ministry.

1050 **Hon. P J Balban:** No, sir.

1055

**Government vehicles  
Number with non-polluting engines**

1060 **Clerk:** Question 783, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer to Written Question W149/2013, can the Government state how many of the vehicles listed are powered by non-polluting engines, as this part of the answer was missing?

1065 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the only vehicle that does not use any polluting agent as a means of propulsion is the Tesla, the G1, which is 100% electric. However, this is not a Government-owned vehicle, as this is owned by the Bassadone Automotive Group, and is leased to the Government.

1070 **Hon. J J Netto:** Mr Speaker, given that it is the Government's intention to fulfil one of its manifesto commitments, which is in page 32, to have vehicles powered by non-polluting engines, does the Minister have any indication as to how that commitment is progressing towards the end of their term of office?

1075 **Hon. P J Balban:** Mr Speaker, at present, the Government is doing all that is possible to make the fleet of vehicles more environmentally friendly. At the moment, staff cars... The one being leased by Bassadone Automotive Group is 100% pure electric. There are also other vehicles, which are the hybrid vehicles, of which two are plug-in hybrid electric vehicles, which mainly run fully electric most of the time that they are being used, but when driven in certain conditions, the hybrid... the fuel kicks in or the use for over a certain amount of *[inaudible]*.

1080 So the Government is doing all that is possible, to ensure that the Government's vehicles are more environmentally friendly, and its policy is to continue looking at vehicles in the future, when vehicles are replaced.

1085 **Hon. J J Netto:** So apart from the vehicle that the Chief Minister uses, the G1, is the Minister saying that they will not be able to carry out the manifesto commitment in their election pledge, then?

1090 **Hon. P J Balban:** Not at all, Mr Speaker.

**Hon. J J Netto:** 'Not at all' meaning that they will not be able to make the manifesto commitment?

1095 **Hon. P J Balban:** Mr Speaker, no, 'not at all', that the manifesto commitment is something which we are happy to be able to fulfil.

1100 **Hon. J J Netto:** So the Minister is saying he is happy to fulfil. However, in two years in Government, we only have one non-polluting car, which is used by the Chief Minister. Does he feel that he will be able to fulfil, in the remaining two years of the term of office, the rest of the vehicles in the Government fleet? (*Interjection*)

1105 **Hon. P J Balban:** Just this one vehicle itself, as the hon. Member says, is pure electric is one step, is a big step in terms of, compared to what was happening in the past. It is very clear that this Government's policy is totally different to the policy the Government of Opposition when they were in Government. (**Hon. N F Costa:** Hear, hear.) Even if you look at electric vehicles – and we are saying non-polluting vehicles – I mean, even the electric vehicles, they require electricity, and electricity is driven by whatever source of power generated. So, the fact is that the Government will do everything possible to adhere to its manifesto commitment, and it will, to provide vehicles which are non-polluting as per the manifesto commitment.

1110 **Hon. J J Netto:** Is the Minister therefore saying that whoever wrote those comments in the manifesto he did not know what he was talking about?

1115 **Hon. P J Balban:** Mr Speaker, I will not... I mean, what is he asking? I mean... Whether the person who wrote the manifesto commitment does not know what he is talking about. Mr Speaker, I do not really think I need to answer that question.

## EQUALITY, SOCIAL SERVICES AND THE ELDERLY

### 'Looked After Children' Specialist care

1120 **Clerk:** Question 784, the Hon. Mrs I M Ellul-Hammond.

1125 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many times a Looked After Child needs to abscond and how seriously challenging the behaviour of the child has to be before he or she is considered as a candidate for specialist care in a specialist institution in the UK?

1130 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

1135 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, each child is an individual, with their own specific needs, Therefore, there is no prescribed formula on how many times a Looked After Child needs to abscond, or how seriously challenging the behaviour of a child has to be, before he or she is considered as a candidate for specialist care in the UK.

1140 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if there are any children presently who are candidates for specialist care in a specialist institution in the UK?

**Hon. Miss S J Sacramento:** There are, Mr Speaker, but, of course, as you will understand, I will not refer to any individuals.

1145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say how many there are and when, if shortly, they will be moving to the UK?

1150 **Hon. Miss S J Sacramento:** No, Mr Speaker, as I have said in the past, if I feel that it is not appropriate to give that information in this House because it may identify a particular child, or children, then I will not do so, Mr Speaker. But, as I have also said previously, I am very happy to give that information behind the Speaker's Chair.

**Hon. D A Feetham:** Well, Mr Speaker, I am sorry to say that is not acceptable. Nobody is asking the hon. Lady to identify, nor provide information that identifies the individuals or the children in question.

1155 What the hon. Lady has asked is how many – how many children are being considered for this type of treatment? That cannot possibly lead to the identification of those children.

The Government has a duty to account, and it accounts in Parliament, not behind the Speaker's Chair. We will accommodate the Government as much as possible, whenever the information is of a sensitive nature. But, the information as to how many children are being considered cannot possibly identify the children in question. (*Interjections*)

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**Hon. Miss S J Sacramento:** Mr Speaker, in my judgement it can, because, while I am not going to say the number, but let us say for example if I were to say one, then that could easily identify the child. So quite frankly, Mr Speaker, the words of the Leader of the Opposition, when he says that he is going to support the Government, sound very hollow. In my judgement, Mr Speaker, I cannot answer that question for obvious reasons.

1165

1170 **Children with challenging behaviour  
Care and secure accommodation**

**Clerk:** Question 785, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per her Budget speech of 2013, can the Minister for Social Services explain how she will be providing for children with challenging behaviour generally, and for their secure accommodation specifically?

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, pathways for children are being looked at, and we are considering new premises which we would use to cater for children with challenging behaviour. Legislative changes are also being looked at.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the new premises: can the Hon. Minister say if a site or potential sites have been identified, and when construction or refurbishment will start?

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**Hon. Miss S J Sacramento:** Mr Speaker, again I will not at this stage say where the location will be. What I can confirm is that we have had a structural report on the premises which now allows us to proceed to the next stage of refurbishment of the building.

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**Hon. D A Feetham:** But, Mr Speaker, can she explain why she cannot provide information as to the location of this facility? Is that also sensitive information, that she cannot disclose? (*Interjection*) Well, can she explain why it is sensitive information? If it is sensitive, we will accept it. But, can she explain that?

1195

**Hon. Miss S J Sacramento:** Mr Speaker, rule number one when dealing with children is to be discreet. If I were to identify the location of a place which is going to be a challenging behaviour unit, then everybody is going to know what it is, where it is, and that the children inside the unit are children with challenging behaviour. Mr Speaker, again, in my judgement, I do not think it is appropriate to disclose that information.

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**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Well done.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister then suggesting that, once the facility is built and set up, and there are people working there, and the children there, that nobody will ever know, or ever find out, that it is a facility for children (*Banking on desks, and interjections*) with challenging behaviour...?

1205

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** It is not MI6.

1210

**Hon. Miss S J Sacramento:** Mr Speaker, that is totally different, but again, Mr Speaker, in my judgement, I do not think that it is appropriate that I should disclose the location of the premises.

1215 **Hon. D A Feetham:** But, Mr Speaker, why is it different, from the point of view of protecting  
children, to disclose the location of the facility after it is built, but not before it is built, when you have  
identified the site? Quite frankly, I do not understand the secrecy surrounding this issue, nor indeed the  
distinction the hon. Lady seeks to draw. Of all Government Ministers – apart perhaps from the Minister  
1220 of Employment, I have to say that he is perhaps one on his own – the hon. Lady is always reticent to  
provide information, and hides behind excuses that, quite frankly, do not stack up. (*Interjections*)

**Hon. Miss S J Sacramento:** Mr Speaker, the Hon. the Leader of the Opposition just shows his  
complete disregard for the importance for keeping certain things confidential. The building that we have  
1225 identified is actually quite discreet in its location, and we will not be announcing the opening of this new  
place with a fanfare and a press release and a plaque, which is maybe something that he would have done.  
(**A Member:** Yes, absolutely.) But, in my judgement, Mr Speaker, I do not think that that is appropriate.

**Hon. D A Feetham:** Yes, but with respect, she still has not answered my question. What she said was,  
1230 once it is built it is a different kettle of fish. Now, I quite understand not giving huge publicity to  
something, opening it with fanfare – that is something for the Hon. Minister in her judgement. But, what  
she said was that once it is built, that she would be identifying the location, as she cannot do it now  
because it is in a planning stage. What I do not understand is the distinction that she seeks to draw  
between now and then. I do not accept, quite frankly, that the Opposition is not entitled to that  
1235 information on the grounds that the Hon. Minister suggests. But, in any event, I am seeking to understand  
the distinction that the hon. Lady has drawn.

**Hon. Miss S J Sacramento:** Mr Speaker, I do not recall having drawn any distinction whatsoever.  
My position will be that I will not disclose the location now, nor will I disclose it when it is ready. And I  
1240 do not recall having drawn any distinction whatsoever. Maybe the Leader of the Opposition has heard me  
say something that I have not said, maybe he has misinterpreted my words. But clearly, I have not drawn  
a distinction.

**Hon. D J Bossino:** Sorry, Mr Speaker, she keeps on saying... the hon. Lady keeps on saying that in  
1245 the exercise of her judgement... Obviously, we want to understand what criteria she is using. That is  
really the only point that we are raising on this side of the House.

Now, clearly, this is Gibraltar: once the premises are refurbished, I think I can guess that it is more  
than likely that we will know what the location will be. So in those circumstances, given that she is now  
1250 saying that there is not a distinction as to pre and post refurbishment as to the location of the premises,  
how does she intend to keep the location of those premises secret, to the extent that nobody will know,  
other than the children, possibly their families, where the premises are?

**Hon. Miss S J Sacramento:** Mr Speaker, as I am sure you know, the Hon. Mr Bossino has  
1255 completely misquoted what I have said. That is not what I have said. There is a difference between  
keeping a place secret, and a difference between announcing what it is and where it is. In my opinion, this  
is something that is of course, because of its importance, delicate, and sensitive nature, should be as  
discreet as possible and I do not intend to disclose this information either now, or when it is ready. If he  
will find out, then they will find out. But it is not something that we will be announcing, and I do not see,  
quite frankly, Mr Speaker, what the whole point of this line of questioning is.

1260 **A Member:** Even if it was a political issue.

**Hon. Miss S J Sacramento:** Mr Speaker, (*Interjection*) the whole point of this is to do something to  
1265 improve a service, and if the Opposition are going to say that they will support the Government in this,  
then let them support the Government in this. The Government is saying that there is a reason for this, so  
Mr Speaker, perhaps we can leave it at that, and not have so many supplementary questions on the same  
point going round and round in circles. My answer will not change, Mr Speaker.

**Hon. D A Feetham:** But, Mr Speaker, does she not accept that there is a legitimate interest in the  
1270 Opposition in finding out where a particular facility, which is important to this community, is going to be  
located, (*Interjection*) so that the Opposition can itself scrutinise as to whether that facility, and that  
location is, for example, suitable and fit for purpose? Or does she not accept that the Opposition has a  
legitimate role in looking at a particular facility, and a particular location, and seeing whether that  
particular location or facility is suitable for those children?

1275 I mean, what she is really trying to do is effectively prevent the Opposition from doing its legitimate  
job, in relation to this particular facility. There is no... we are not making this particular point, because

we want to make life difficult for the Government. But, of course, without knowing where it is, how can we ascertain for ourselves that the location and the facility are going to be fit for purpose.

1280 **Hon. Miss S J Sacramento:** Mr Speaker, seriously! If the Opposition were so concerned about providing a facility that is fit for purpose, then they had 16 years to do it, Mr Speaker. (*Banging on desks and interjections*)

1285 **Children and Families team  
Management restructure**

**Clerk:** Question 786, the Hon. Mrs I M Ellul-Hammond.

1290 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services explain what the management restructure of the Children and Families team is, as stated in her Budget speech of 2013?

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

1295 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, management and supervision lines have been changed within the teams.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say how they have been changed?

1300 **Hon. Miss S J Sacramento:** Mr Speaker, that is a matter for management internally. There have been different ways, different modes of supervision, different ways of managing the individual teams. Different teams have been broken down into different areas. There has just been a sort of general change in how Social Services work, how reports are now filtered through, and how they are supervised.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as a result of the changes, have any new management posts been created, or any new people taken on?

**Hon. Miss S J Sacramento:** No, Mr Speaker.

1310 **Clerk:** Question – (*Interjection*)

**Mr Speaker:** The Leader of the Opposition.

1315 **Hon. D A Feetham:** Mr Speaker, has this been a management initiative, or has it been a ministerial initiative, in consultation with management? Have there been, for example, any reports or anything like that, suggesting that there ought to be a management restructure? Can she provide some more information in relation to that?

1320 **Hon. Miss S J Sacramento:** It was just as a result of a management restructure between... consultation with management, at the general senior management meetings. There is no mystery to it. It is just a change in the operation, in the way that the Department is structured.

1325 **Hon. D A Feetham:** Yes, but firstly, were you involved, and secondly... I mean, what gave rise to the need for this restructure? Normally, having had experience of ministerial duties myself, it is either a policy initiative of the Government or the Minister concerned, because the Government, or the Minister, has taken the view that the management is not operating as efficiently and effectively as possible.

1330 Or alternatively, there is, for example, a report that is handed up to the Minister, or representations, handed up to the Minister, saying, 'Look, we believe that this is not operating effectively and efficiently, for *x*, *y* and *z* reason. I am just trying to explore with the Hon. Minister what it is that has led to this restructure.

1335 **Hon. Miss S J Sacramento:** Mr Speaker, it is as a result of meetings that I have with all my Departments. Generally, I just sit in with the teams, and ask them how they think that the Department would improve if there were any changes. Really, it is as a result of changes that have come as a suggestion from people within the teams, and if they think that the team will work better and be more supported that way, then they have my blessing. There is no... It is just as a general part of the process, and as part of my review of the teams within Social Services.

**Children and vulnerable adults  
Vetting workers and volunteers**

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**Clerk:** Question 787, 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 provide details of the regulations that have already been drafted, as confirmed in her 2013 Budget speech, on the vetting of people who work or volunteer with children and vulnerable adults?

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

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**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 788.

**Clerk:** Question 788.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when legislation on the vetting of people who work or volunteer with children and vulnerable adults will be brought to Parliament?

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

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**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the legislation is being drafted and will be brought to Parliament once it is ready.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will this become a command paper first?

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**Hon. Miss S J Sacramento:** It is likely that it will, Mr Speaker.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister, say, give us a timescale as to when the draft will be completed, and then it will be presented as a command paper?

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**Hon. Miss S J Sacramento:** I cannot at this stage, but as far as I am concerned, as soon as possible. But obviously I am in the hands of those who are drafting it.

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**Hon. D A Feetham:** Mr Speaker, what is the interaction between this particular legislation and the list of unsuitable people working with children, which is a list that is compiled under the Children's Act? And is it the intention of the Government to perhaps have one composite list, which is the position in the United Kingdom at the present moment? Indeed, in the United Kingdom, it also includes the list under the sexual offenders list, as well.

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**Hon. Miss S J Sacramento:** Those are some of the considerations that we are considering. But, in any event, the priority with this is to make sure that there are regulations to vet people as, at present, there is absolutely nothing. There is no requirement to vet anyone who works with children. In fact, this will go further, because this legislation will deal with... there will be a requirement to vet people who not only work with children, but also people who work with vulnerable adults.

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**Nursing Co-ordinator, Mount Alvernia  
Details of post**

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**Clerk:** Question 789, the Hon. Mrs I M Ellul-Hammond.

1395

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, during the Hon. Minister for Social Services' Budget speech of 2013, she mentioned the commencement of a new Nursing Co-ordinator for Mount Alvernia. Can the Minister say if this post is in an acting capacity, and who the new Nursing Co-ordinator is?

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the person in the post of Nursing Co-ordinator is in the post in an acting capacity.



1400 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister did not mention who the new Nursing Co-ordinator is.

1405 **Hon. Miss S J Sacramento:** Mr Speaker, the reason I have not mentioned this individual's name is as a result of Mr Speaker's ruling very recently, in the last Parliament or the Parliament before, Mr Speaker, where you said that it was not appropriate for individual public servants to be named in this House.

1410 **Domestic violence  
Details of new forum**

**Clerk:** Question 790, the Hon. Mrs I M Ellul-Hammond.

1415 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as outlined in her Budget statement of 2013, can the Minister for Equality say if she has set up the forum to deal with domestic violence, which interested parties form part of the forum, and how often does the forum meet?

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

1420 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I have met with officials from Departments such as Social Services, the Royal Gibraltar Police, the Court Services, Housing, the GHA, as well as Women in Need, with a view to setting up this forum, which will formally meet in the new year.

1425 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in the Minister's Press Release No. 849 of 25th November, she states that:

'My Ministry and all relevant agencies are working to ensure that such violence is entirely eliminated in Gibraltar...'

1430 What plans will the forum have for such violence to be eliminated?

**Hon. Miss S J Sacramento:** Mr Speaker, once the forum meets officially, I am sure we will start with a strategic plan on how to tackle this.

1435

**White Ribbon Campaign  
Introduction to Gibraltar**

1440 **Clerk:** Question 791, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Equality say if she is in contact with, and when we will see, the introduction of the 'White Ribbon Campaign' to Gibraltar?

1445 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

1450 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Social Services Department have been in touch with the White Ribbon, and I have also spoken to them myself. A decision as to whether or not this particular campaign will be introduced has not been taken.

1455 **Domestic violence  
Refuge for homeless men**

**Clerk:** Question 792, the Hon. Mrs I M Ellul-Hammond.

1460 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Equality say how Government provides for homeless men requiring refuge from domestic violence?

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

1465 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, arrangements are currently made through Women in Need.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are there any plans to continue with the building of a men's refuge on Windmill Hill which the GSD started, or indeed to earmark another site for this?

1470 **Hon. Miss S J Sacramento:** Mr Speaker, can I start off by saying that no work was done at Windmill Hill by the GSD in relation to any refuge for men, other than some plans, but no actual construction work was done.

1475 I can say that we will not continue with that, at that site, but it is a manifesto commitment that will be completed within this term of office.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the plan to build, or earmark a particular building for a specific facility, or to earmark flats within the community?

1480 **Hon. Miss S J Sacramento:** Mr Speaker, at present, we are considering various options, but the likelihood is that it will be a building, as opposed to individual flats.

1485 **Disabled people  
Legislation to protect**

**Clerk:** Question 793, the Hon. Mrs I M Ellul-Hammond.

1490 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Equality say when the Government will legislate to further protect disabled people, ratifying and using the terms of the United Nations Convention on the rights of disabled persons as a model?

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

1495 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, legislation to this effect is being drafted, and we envisage that it will be ready in 2014.

1500 **EDUCATION, TELECOMMUNICATIONS AND JUSTICE**

**Students leaving full-time education  
Details**

1505 **Clerk:** Question 794, the Hon. E J Reyes.

1510 **Hon E J Reyes:** Mr Speaker, can the Minister for Education provide details of how many students have left full-time education since the start of this present academic year; providing a breakdown by educational establishment, age of student, with detail of school year in which enrolled, date of termination, and reason for leaving, if known?

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

1515 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer together with Questions 795, 796 and 797 of 2013.

**Clerk:** Question 795.

1520 **Hon. E J Reyes:** Can the Minister for Education provide details of how many students who were undergoing full-time education, and enrolled in Year 10 at the start of the academic year 2012-2013 have since left full-time education, and consequently not presently in Year 11 for this current academic year;

providing a breakdown by educational establishment, age of student at the time, with date, month, of termination, and reason for leaving, if known?

1525 **Clerk:** Question 796.

**Hon. E J Reyes:** Can the Minister for Education provide details of how many students have ceased full-time education in either Years 10 or 11 since the start of this present academic year; providing a breakdown by school year, educational establishment, and reason for termination, if known?

1530 **Clerk:** Question 797.

1535 **Hon. E J Reyes:** Further to the answer to Question No. 635/2013, can the Minister for Education provide details in respect of any changes there may be in respect of students still enrolled for post-GCSE education in Year 12, or equivalent, when compared with those enrolled at the start of the current academic year?

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

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

**Answer to Questions 794 and 796 of 2013**

Sector	School	Numbers	Age	School Year	Date of Enrolment	Date of Termination	Reasons	
Secondary	Bayside	1	15	10	2/9/2011	5/11/2013	All left to seek Employment	
		1	15	11	1/9/2010	4/10/2013		
		1	15	11	1/9/2010	20/9/2013		
		1	17	12	1/9/2008	22/11/2013		
		1	17	12	3/9/2013	3/12/2013		
	1	18	13	1/9/2008	3/12/2013			
	Westside	1	15	9	1/9/2011	1/9/2013		All left to seek Employment
		1	16	11	1/9/2010	2/9/2013		
		1	19	12	9/9/2007	11/9/2013		
		1	18	12	9/9/2008	5/11/2013		
1		17	12	3/9/2008	19/11/2013			
Further	Gibraltar College	1	15	-	16/9/2013	15/11/2013	All left to seek Employment	
		1	18	-	16/9/2013	13/11/2013		
		1	16	-	16/9/2013	12/11/2013		
		1	15	-	16/9/2013	15/10/2013		
		1	17	-	16/9/2013	12/11/2013		
		1	17	-	16/9/2013	13/11/2013		
		1	18	-	16/9/2013	5/11/2013		
		1	16	-	16/9/2013	21/10/2013		
		1	19	-	16/9/2013	5/12/2013		
		1	18	-	16/9/2013	4/11/2013		
1	17	-	16/9/2013	29/11/2013				

**Contd**

**Answer to Question 795 of 2013**

Bayside School 2012/2013			Westside School 2012/2013		
Age of Student	Date of Leaving	Reason for leaving	Age of student	Date of Leaving	Reason for leaving
15	March 2013	All left to seek Employment	16	July 2013	All left to seek Employment
15	July 2013		15	July 2013	
15	July 2013		15	April 2013	
16	July 2013		15	May 2013	
15	January 2013				
15	July 2013				
16	July 2013				
Total Number of Students = 7			Total Number of Students - 4		

**Answer to Question 797 of 2013**

Bayside School	2 students left and 2 students enrolled
Westside School	2 students left
Gibraltar College	4 students left

1540 **Mr Speaker:** It is a fairly lengthy, and detailed schedule. I would suggest that I give time to the hon. Member to study it carefully, and give him an opportunity to ask supplementaries.

But, in the meantime perhaps we could move on to the next Question 798, which is the Hon. Mr Netto, and then, Mr Edwin Reyes can come back as soon as he is ready.

1545 **Hon. E J Reyes:** Thank you, Mr Speaker, you have suggested that in the past, and I think it works quite well, so I am very grateful for your suggestion, which I take up wholeheartedly.

1550 **Health and Safety in schools  
Audit reports**

**Mr Speaker:** The Hon. Mr Netto then, Question 798.

1555 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question No. 702/2013, can the Minister for Education provide Parliament with copies of the Health and Safety audit report appertaining to the school, or schools, in which the works have now been completed?

1560 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the position remains as stated in my reply to Question 702/2013.

1565 **Hon. J J Netto:** Well, Mr Speaker, the answer that the hon. Member gave was that these were not going to be given in relation... because they were ongoing works. Now I have desegregated those works which are ongoing to the ones which he mentioned that are completed. So my question now is only whether the Health and Safety audit report can be provided to Parliament in relation to when the works have been finished, in those particular schools, or colleges, or wherever it has taken place?

1570 **Hon. G H Licudi:** Mr Speaker, my reference to being completed in the previous answer was in respect of specific recommendations which have either been completed, were in progress, or are scheduled, and then I said in my answer given that this is still work in progress. The Government does not propose to publish the reports at this stage – not the report, the reports, at this stage. That is still the position. This is still work in progress. So the matter will be further considered, when all the works are done.

1575 **Hon. J J Netto:** Mr Speaker, for the sake of clarity, can the Minister perhaps say whether some works, in some schools, have finished?

1580 **Hon. G H Licudi:** Of course, Mr Speaker, that is what I said in the last session a month ago.

**Hon. J J Netto:** So, if some works of some schools have finished, does the Minister have a problem with providing Parliament with a Health and Safety audit report, specifically done, for those particular schools?

1585 **Hon. G H Licudi:** Mr Speaker, the fact that some works in some schools may have been completed does not mean that there are not other matters which are in progress or scheduled to be undertaken. And therefore, once the whole programme is exhausted, then we will consider the matter further.

1590 **Hon. J J Netto:** Mr Speaker, well, that may mean is that until all such works are done, and if all such works are done, hypothetically speaking, say in eighteen months from now, then Parliament will never get the Health and Safety audit report.

1595 So can I ask the Minister for Education, in relation to the works which have been carried out already, in some schools, could at least those parts of the report, of the Health and Safety audit report, which deals only with those schools where the works have been completed, can it be desegregated from the main report, so that at least Parliament knows, in relation to those schools, what they said and we can follow it up, as Members of the Opposition?

1600 **Hon. G H Licudi:** No, Mr Speaker.

**Hon. J J Netto:** Why not, Mr Speaker?

**Hon. G H Licudi:** I have already explained why not. This is work in progress, and therefore the matter is still ongoing.

1605 **Hon. J J Netto:** But, Mr Speaker, I mean, this may be an excuse for the Government to say that, because it is work in progress, i.e. we will never give the Opposition what the Health and Safety audit report said, in relation to certain schools. Now, if they are the party that claims to be the party of transparency, they should acknowledge, within that particular statement, that there is an interest, both of the Opposition, of parents, and everyone who is involved in one way or another, with knowing what the Health and Safety audit report stated.

1610 What it cannot be, is an excuse for the Government to say because this is work in progress, and will therefore continue to be work in progress for the next 18 months, we will never give the Opposition that information. So will he not agree with me that that is contrary to the statement 'we are a transparent Government'?

1615 **Hon. G H Licudi:** Mr Speaker, I certainly do not agree with anything of what the hon. Member has said.

1620 Let us recall that this is an initiative that we took. During the 16 years that they were in Government: they did not do any Health and Safety audits or any Health and Safety reports in any of the schools. Therefore, this new found concern that the hon. Member suddenly has, about parents having issues with... Health and Safety issues, those concerns simply did not exist for 16 years. They have suddenly arisen.

1625 Well, at least this Government is doing something about it. At least this Government has commissioned somebody to do Health and Safety reports in all the schools, and at least we are making progress on all of the schools, on all of the reports, and once we complete the process, we will give further updates.

**A Member:** Hear, hear. (*Banging on desks*)

1630 **Hon. D A Feetham:** Mr Speaker, just so that I understand it – I do not profess to know as much as the hon. Gentleman, nor indeed my colleague, about this – but, are we talking about a Health and Safety audit report that is holistic, in other words that relates to all the works being undertaken, in relation to a particular school? Or are these individual reports relating to particular works that can effectively be segregated, as and when a particular job is complete?

1635 Because, of course, I can understand that, if it is a holistic report, dealing with all the works in a particular school, the point the Hon. Minister makes may have some validity in some force. If, of course, there are a series of reports in relation to particular works that have been completed, then I can understand why my hon. colleague obviously desires to see those reports, as and when the work is complete. Can he perhaps elaborate on that?

1640 **Hon. G H Licudi:** Mr Speaker, the position is as the hon. Member has described in the second part of his supplementary. There are general reports with a series of recommendations, and therefore it is not simply possible to extract little bits and pieces, and say 'This is the work that has been done, in respect of this particular part of the report.' So that is the position, and I note that, given that that is the position, he understands why the Government takes the position it takes.

1645 **Hon. D A Feetham:** I quite understand that. I think that you have been at cross purposes because if that had been explained from the beginning, perhaps the Hon. Mr Netto would have taken a different position.

1650 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just to clarify, an audit report was made for each of the individual schools and institutions, and, if I remember correctly, by the end of last year about 75%, I think, of the audits had been completed of the schools. Now those audits, or those schools where the audit has been completed: is the Minister willing to give us a copy of the information? (*Interjection*)

1655 **Hon. G H Licudi:** Mr Speaker, all of the audits have been completed, and all of the audits were completed some time ago. There is a schedule of works. There is a programme, and that is what is ongoing, and those are the works in progress.

1660 **Hon. J J Netto:** Yes, Mr Speaker, but any Health and Safety audit report, whether it is done in schools, whether it is done in Government Departments, or any other particular site, done by any particular specialist, or consultant in this matter, will say, in School *x*, we, having done the audit, now are saying all these works need to be done, and they will go by school, systematically, one school by the

1665 other. What I am asking is, in relation to the works in schools that have been completed, can the hon. Member at least provide the Health and Safety Audit in relation to the works of those schools that have been completed?

1670 **Hon. G H Licudi:** Mr Speaker, the hon. Member asks the same questions three or four times. The answer has already been given.

1675 **Hon. D A Feetham:** But, Mr Speaker, what I do not understand – and you see, I have tried to be as reasonable as possible in understanding the Hon. Minister’s reticence to provide the information – and I could understand the answer that he gave to me, and it seems perfectly reasonable to me, the answer that he gave to me, but he has now said that actually all these reports have been completed. The audits have been done, they have been completed. (*Interjections*) That is what he has just said to me. The audits have been completed. (*Interjections*)

1680 **Hon. G H Licudi:** The question is about the work – not the audit. The audit has been done; the work is ongoing.

1685 **Hon. J J Netto:** The Minister also said that some works in some schools have been completed. What I am asking is in relation to the works which have been completed in some schools, at least in those areas which are now completed of the works. Can Parliament have the Health and Safety audit appertaining to those schools where works have completed?

1690 **Hon. G H Licudi:** Mr Speaker, I am not sure how many times one has to get up and hear the same question. (*Interjection*) Well, the answer has been given. It might not be an answer that the hon. Member wants, but the answer was even given last month to the same question. Last month, the hon. Member asked ‘In which schools have recommendations been carried out? Will the Hon. Minister provide Parliament with copies of the reports?’ The answer was given last month. The question is rephrased this month, but essentially the same question is being asked, and for four supplementaries, we have had the same question again, and the answer has been given in very, very, clear terms.

1695 **Hon. D A Feetham:** But, Mr Speaker, have reports been produced? Have audit reports been produced, or have they not, so that I understand it? Have there been reports produced? I am not asking about the... I understand what he is saying, about the recommendations not having been implemented yet, and the works being ongoing. But have the reports been produced? Because what he has said is that the actual audits have been complete. So that begs the question whether the reports have been produced. I would have thought that if the audit has been completed, the reports would have been produced. (*Interjection*)

1700 **Hon. G H Licudi:** Mr Speaker, I thought the position was obvious. The audits have been completed, and the reports in relation to those audits have clearly been produced.

1705 **Hon. D A Feetham:** Well, but, that being the position, and having really tried to be as generous to the Hon. Minister as possible, in relation to why his reticence for not providing... What conceivable reason can there be for failure to provide these reports? Why not produce these reports, or give the fact that the works are ongoing as a reason for it? Are these reports sensitive? What is the Government’s reticence in producing what are reports which are clearly in the public interest, clearly in the interest of parents, and clearly in the interest of the Opposition, to know about?

1710 **Mr Speaker:** Could I ask the Minister one question, in order to be clear in my mind, what it is that the hon. Members are talking about. The original question talks about a Health and Safety audit report, but hon. Members are talking about ‘reports’. Now, is it that there is a single global report, (*Interjection*) about all the schools taken together, or is it that there is a series of audit reports for each school? Which of the two?

1715 **Hon. G H Licudi:** There is a report for each school. And perhaps in answer to the hon. Member’s questions, I should repeat what I said in answer to the question last month: 16 educational establishments, 14 schools, one college and a nursery have had Health and Safety audits conducted, which I can also say now, that means the production of reports. Recommendations have been prioritised, according to their nature and urgency. These have so far either been completed, are in progress or are scheduled to be undertaken.

1725 Given that this is still work in progress, the Government does not propose to publish the reports at this stage. And what I have said today is that the position continues to be as that. This is still work in progress. There may have been more progress since last month, but this is still work in progress.

1730 **Hon. D A Feetham:** Yes, but what I do not understand is why the failure to provide the reports, or a summary of the reports. Simply by reference to the works having been carried out, you have the reports, they exist, he is asking about those reports. Now, why does the Hon. Minister link the reports with the work being carried out? It is just, really there ought not to be that link.

1735 **Hon. G H Licudi:** Well it is interesting to hear the hon. Member say, there ought not to be that link, because for 16 years, the Opposition previously was constantly told 'work in progress is work in progress, and the Government does not give further details' – the then Government does not give further details of work in progress.

1740 The position is that once the works that have been prioritised and are due to be completed, are completed, then the matter will be considered further, in respect of the provision of the reports. That is the Government's position. I note that it is not the position that the hon. Members want, or accept, but that is the Government's position.

1745 **Hon. D A Feetham:** Is the Government following the recommendations of these reports that they will not disclose, or is it the position that the Government has accepted some of the recommendations and disregarded others?

**Hon. G H Licudi:** What the Government has done is precisely what I said last time. Recommendations have been prioritised, according to their nature and urgency, and these have either been completed, are in progress, or are scheduled to be undertaken.

1750 **Hon. D A Feetham:** With respect to the Hon. Minister, that is not the question. You can prioritise recommendations, which means that you will implement ones quicker than the other. The question was, has the Government accepted all the recommendations, or has the Government decided to disregard some of the recommendations, in these reports?

1755 **Hon. G H Licudi:** Well, the position remains that this is still work in progress, and recommendations have been prioritised, according to their nature and urgency. And that is what is being done. That is the answer.

1760 **Hon. D A Feetham:** But, with respect, the Hon. the Minister is not answering the question, and it is a very simple question. I understand the Government is entitled to prioritise. Every Government does that. I understand that this is a work in progress, but surely the Minister, having a handle on this situation, because he is the Minister responsible, can enlighten this House on whether he, as Minister, has accepted all the recommendations (**Mr Speaker:** No.) or he has decided to (**Mr Speaker:** No.) ignore some of them.

1765 **Mr Speaker:** No, he does not have to answer that. It does not arise from the original question.

**Hon. D A Feetham:** But Mr Speaker, it arises –

1770 **Mr Speaker:** There is nothing in the original question –

**Hon D A Feetham:** Point of Order, Mr Speaker

1775 **Mr Speaker:** – or in the previous one, asking whether the Government had accepted all the recommendations in the reports.

**Hon. D A Feetham:** Point of Order, Mr Speaker.

1780 Mr Speaker, the Rules do not provide that it just simply has to arise from the original question. If the Minister has answered the question –

**Mr Speaker:** The Rules –

**Hon. D A Feetham:** If I may be allowed to finish –

1785 **Mr Speaker:** Yes, I will let you finish the Point of Order.

**Hon. D A Feetham:** Thank you very much.

1790 If the Minister has answered a question in a particular way, and has provided information in the answer, surely the Opposition, in accordance with the Rules, can ask a supplementary on the information that the Minister has provided. It cannot be the position that the Opposition has to then say, 'Ah, he has answered in this particular way, but I am not entitled to ask a supplementary on the information provided, because, somehow, it is not exactly squarely within the original question.' I do not believe that that is right.

1795 **Mr Speaker:** I think that the hon. Member is definitely wrong. I have no doubt, in my mind, that the Rules do provide for supplementaries to be asked arising from the subject of the original question. Now, there is a fine distinction here, in that the Minister has talked about prioritising the recommendations. That does not mean that in prioritising, they are accepting everything, or they are not accepting. (*Hon D A Feetham: And that is the Question.*) He has told you, the Hon. Minister has explained, that in considering the report, there is an element of prioritising. That is fair enough. That arises from the original question. 1800 But whether all the recommendations have been accepted or not is the subject of a separate question.

**Hon. D J Bossino:** I am grateful, Mr Speaker, there is, this question does arise, but...

1805 **Mr Speaker:** And, and...

**Hon. D J Bossino:** Yes.

**Mr Speaker:** In any case, may I say, I invite the hon. Member next month to ask the question, to put it down on the agenda. 1810

**Hon. D J Bossino:** Mr Speaker, this question does arise from the original question, as set out in the Order Paper. The Opposition's position is, that it would like disclosure of the reports. That is our position. The Government's position is that it will not disclose that, pending the completion of the works. The works are in progress, so presumably the logical conclusion of that is that when the works are completed, 1815 you will be providing disclosure of the reports.

What we are saying now, accepting the Government's position, in the question, Question 798/2013 is that, in respect of those schools, there are schools in respect of which the works have indeed been completed, in respect of those schools where the works have been completed, is the Hon. Minister willing to disclose the reports in respect of those particular schools, rather than wait for all the works in relation to all the schools to be completed? 1820

This is the point, the discrete issue which I think may have been missed in the exchange.

**Mr Speaker:** I have allowed the hon. Member to make this supplementary, but I think the Hon. Mr Netto has already made the same supplementary four or five times, and he has received the same answer. 1825 But, I will invite the Minister to answer Mr Bossino's question.

**Hon. G H Licudi:** The position is as already stated. (*Interjections*)

1830

**Students leaving full-time education  
Supplementary questions**

1835 **Clerk:** Question 794, the Hon. E J Reyes.

**Mr Speaker:** Now, the Hon. Mr Reyes has probably had more time than what he thought he was going to have (*Laughter*) to study the schedules. I invite him to ask any supplementaries that he may have.

1840 **A Member:** How pathetic.

**Hon. E J Reyes:** Thank you, Mr Speaker. Yes, and thank you for the extra time on that one.

Perhaps, the Minister might be able to shed a little bit of light on small doubts I have. In respect of the schedule, on the first page, that is a reply directly to Questions 794 and 796. The first student referred to, in Westside School, it says the age is 15, the school year is Year 9, and the date of termination is 1st September 2013. Normally, a student attains their 14th birthday in Year 9. This student in Year 9 would have actually reached her 16th birthday in Year 9. It could be a typographical error, or it could be that for 1845



a particular reason, I know that sometimes a student is held back for a year. The Minister might have the information to hand, which is why I ask now.

1850

If not, we can enter into another exchange and not waste Mr Speaker's time now. But does he have a particular note, perhaps, to shed why this student who would have attained their 16th birthday, was still in Year 9 because she seems to have... or it says here she left to seek employment.

1855

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Yes, Mr Speaker, I asked exactly the same question, because it did catch my eye that there was a student in Year 9, and I was assured that this student left on reaching 15 years of age. What I do not know is whether there was a repeat year, or anything like that, but I was assured that the information given was correct.

1860

**Hon. E J Reyes:** That is fine, that is acceptable, Mr Speaker.

1865

My fault in respect of Question No. 797, I did not think I would need it, so I did not ask, the particular reasons for leaving, the students who were enrolled for post-GCSE education. One normally takes it that that is because they have had some sort of job offer. But the Minister could well have a little note there, in respect of... I see Bayside School had two students who left, which is the same as Westside, but two students enrolled, yet in the Gibraltar College four students left. Could it be, perhaps, by chance that of the four students who left the college, two happen to be the ones that enrolled in Bayside, so therefore, the overall population figures alter; or was it that two new students enrolled, because, perhaps, they came to settle into Gibraltar, and go into post-GCSE, non-compulsory education? It does have an influence in the final grand total of figures.

1870

The Minister may happen to have a note. If not, I am sure he will probably invite me to write, and I can happily do so, but it may save us both time, if the Director of Education has simply provided him some sort of little footnote.

1875

**Hon. G H Licudi:** Mr Speaker, I do not believe so. I do not believe that that is the position, because I did ask, and what the question asks is about changes, in particular with respect to students in Year 12, and what the information has been given is changes in the particular schools. I believe, I would have been told that if some of these changes overlapped, in that one person left one school to go to another, I believe I would have been told that because this question was discussed. So the answer, honestly, is that I believe the position is that these are children who have simply left schooling, and two new ones have arrived. That is my understanding.

1880

**Hon. E J Reyes:** I am grateful Mr Speaker, for the time you gave me, and the Minister has been as helpful as obviously he can from the notes provided by his Director.

1885

## ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

### Labour Inspectorate and Future Job Strategy Current details

1890

**Clerk:** Question 799, the Hon. D J Bossino.

1895

**Hon. D J Bossino:** Can the Minister for Employment provide details, to include the number of individuals, their grades, and how many of them are FJS trainees, currently forming part of the Labour Inspectorate?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1900

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with Questions 800, 801, 802 and 803.

**Clerk:** Question 800.

1905

**Hon. D J Bossino:** Can the Minister for Employment provide details as to how the placements of so-called trainees of the FJS are being monitored?

**Clerk:** Question 801.

1910 **Hon. D J Bossino:** Can the Minister for Employment provide details of the companies currently involved in providing employment to the FJS trainees, to include the names of the companies, directors and shareholders?

**Clerk:** Question 802.

1915 **Hon. D J Bossino:** Can the Minister for Employment advise this House how the training which he claims graduates in the FJS are receiving are designed to produce jobs for them?

**Clerk:** Question 803.

1920 **Hon. D J Bossino:** Further to Question W152/2013, can the Minister for Employment provide current details of the individuals employed under the Future Job Strategy broken down into each of the FJS companies they are employed by with the duration of their contracts?

1925 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the eight individuals forming the Labour Inspectorate are one HEO, one EO and six graduates.

1930 The role of monitors was discontinued in January 2012, when the £400-a-month so-called vocational training was replaced by employment contracts in the training companies.

There are currently 78 placement providers. They are being contacted to establish if they wish information about their company to be published.

The graduates who are not engaged in research are fulfilling administrative tasks and gaining managerial experience, which will benefit them in their CVs when applying for vacancies in the public or the private sector.

1935 Further to Written Question 152/2013 the details of the individuals employed by the training companies are as follows: CTCL had 64 individuals in the public sector, 63 under 25, all male. The duration of their contracts is up to 11 months.

It had 76 in the private sector, 52 under 25, 24 over 25, all male. The duration of their contracts is as follows: up to three months, 16; up to 11 months, 60.

1940 ETCL had 106 individuals in the public sector: 48 male and 58 female; 77 under the age of 25, 29 over. The duration of their contracts is as follows: up to three months, two; up to six months, 36; up to 11 months, 68.

1945 It had 86 individuals in the private sector: 41 male, 45 female; 46 under 25, and 40 over. The duration of their contracts is as follows: up to three months, 51; up to six months, one; and up to 11 months, 34.

**Hon. D J Bossino:** Yes, Mr Speaker, there is a lot of information there, and quite a few questions I would like to go through.

1950 In relation to the first one, which related to the Labour Inspectorate, that is something which seriously concerns me. As I understand, Mr Speaker, the Labour Inspectorate, pretty much up to the point that we were in Government, was comprised of all civil servants of a certain grade, and certainly with a lot of experience. I think other than perhaps one individual, they have all gone. I think one retired, and the others have gone to different Departments. This is obviously a very important part of the service which the hon. Member's Department provides.

1955 Now, can he tell me, firstly, whether the HEO is making moves to transfer? I am not sure whether this may be a new HEO, but I have heard that the HEO who had been there previously, up until very recently, has transferred to a different Department. Can he confirm whether there has been any movement in relation to that particular post? Maybe that is the best way I can formulate the question.

1960 **Hon. J J Bossano:** The answer is no.

**Hon. D J Bossino:** You do not know or are not answering?

**Hon. J J Bossano:** No, no – yes, I am answering and I am saying no, there has been no change.

1965 **Hon. D J Bossino:** So, it is the same HEO. Now, Mr Speaker, are the six graduates, trainees, which he refers to in answer to his question, the same six who were gazetted as being Labour Inspectors, as set out in the relevant Government Notice, I think it is 118/2013? Maybe he can confirm that? And I am assuming that that is the case, because he is nodding.

1970 Can he tell me whether, because I recall in his answer, Mr Speaker, that the reason why they had been appointed as Labour Inspectors... and he will recall the exchange that we had – I was concerned that,

again, because of issues of experience, issues of knowledge, and those types of considerations, that graduates should be carrying out the job of Labour Inspectors, a job which is actually, in effect, set out in the relevant provisions of the Employment Act, where they do have extensive powers.

1975 But he said, look in effect, ‘What they are doing is, you know, putting calls through to employers to get some information – that is the only reason why I have appointed them as Labour Inspectors.’ Can he confirm that, or can he advise this House as to how long he expects that these six graduate trainees will be holding that position, and whether the role that they are carrying out has now expanded to what he told me was their role, in answer to the question, I think, two sittings ago?

1980 **Hon. J J Bossano:** Well, I am not sure what the hon. Member thinks the role is, but the primary role of the Labour Inspector is to ensure that employers are complying with the requirements of the law, and that is what the inspection is involved.

1985 And normally, that arises either out of routine inspections, or as a result of somebody claiming that they are not getting something that they are entitled to – which, usually, is put right by a telephone call. The additional work that is being done, which I explained to the hon. Member, and it is certainly not over, and it will not be over, I think, in a short period of time.

1990 Because the reality of it is that the first exercise that the six graduates were involved with, was in an attempt to produce more accurate information, Mr Speaker, was contacting all the people that were registered with employees. I have explained on a number of occasions that anybody on the other side who has been in that Department knows that this is the case, that there is, notwithstanding the fact that the time limits laid in the law for people to keep the record of their employees up to date, is quite short. It does not happen. I can tell the hon. Member, only two days ago, we had a termination of an employee from 99 being registered this week.

1995 So the whole idea is that the accuracy of the information that we have got in the Employment Service... Well, there is a big discrepancy between the Employment Service figures and the figures that we get. I told him the last time, I believe, that historically, my experience has been, that when you try and get information as to the size of the labour force in Gibraltar, there are four sources of information – the Social Insurance, the PAYE, the employment record, and the Employment Survey – and none of the four come up with the same figure. So we have got four different figures and we have got no reason to be  
2000 confident that any of the four is more accurate than any other one, or that the true figure may in fact be something different from all four.

2005 We have been attempting, with some success but there is still some way to go, to produce accuracy in a figure, so that some of these very large discrepancies are removed. That has meant that in approaching employers, the employers have, in more than one case, said, ‘Well, why should I give you the information that you want?’ The Labour Inspector, the six graduates that are doing this work as Labour Inspectors, can require employers to provide information as to the number of employees that they have, and then the Employment Service updates the records, which is something they should be doing. Employers can be fined, very draconian fines were introduced, but in fact, they have never been implemented, and they have never been imposed on anybody.

2010 As I have told the House previously, the Government itself – that is to say, Government Authorities, Agencies and companies – were no better at complying with the requirements of the law than the private sector was. So it could hardly be defended, I think, morally, that one should take private sector employers to court, or impose penalties on them, unless we put our house in order first. That exercise is still going on. It is a massive exercise. We are talking about going through 22,000 or 23,000 names, which is what  
2015 the record of employees shows, and, in addition to that, of course, whenever we get an indication that those figures do not tally, it means that what we are now doing is sending two of the six on visits, because we had something like 250 employers that we could not contact on the phone, and we do not know whether they are still here or they have disappeared, but they are being now tracked down. The employment records cannot be altered until we get in touch with the people concerned and find out how  
2020 many people they are really employing.

So that is, today, still a very important part of the function of the Labour Inspectors, because when that is in, everything has been checked and is in order, then we will make it absolutely clear that from that point on, people will be expected to comply with the requirements of the law, and there will be penalties if they do not. But, we are not there yet.

2025 The other element is where somebody needs advice or has a complaint, on the basis that they do not think that they have been paid what they have been entitled to. In the main, the information that I have, is that those things are cleared up fairly quickly over the phone, and that quite often it is a case of ignorance, rather than bad intentions.

2030 Of course, there are many occasions when, for example, people in the construction industry, maybe with a contract that says that they are on the construction industry rate of pay, and they are not getting paid those, and the position is, as used to be the case before, that strictly speaking the Labour Inspector can only require the minimum wage to be paid, which is the only legally binding thing, the terms of the

2035 CATA contracts are the terms of engagement between an employer and an employee, and as was the case before, when I used to ask the same question from the other side, the answer appears to be – and that is still the legal advice that we are getting – that if somebody has a rate of pay on a contract, and that contract is not being honoured by the employer, then it is the individual and the employer that have got a dispute between them, but that the Department cannot require that amount of money to be paid, because it is not legally binding, in the sense that it is not what the law provides. The law provides a minimum wage of £6 an hour.

2040 And I can tell the Member, of course, that as far as the Department is concerned, the policy is very clear. If a contract comes in with less than £6, it does not get registered. So, if people are being paid, for example, less than the minimum wage, it is usually because the labour is illegal – because if it was legal and registered, the contract would have been sent back.

2045 So, the work of the Department involves these two aspects, and the policy is that, in fact, there will be more people appointed as Inspectors, not exclusively doing that and doing nothing else, but the people in the Department, some of whom have been there for quite a lot of years and are very familiar with the limited range of things which Inspectors are able to enforce, will be appointed as Inspectors, in addition to the team we have got now.

2050 **Hon. D J Bossino:** Mr Speaker, instinctively, I have a huge problem, quite frankly, that there should be six trainees, in effect, carrying out and discharging statutory duties. I have made that point to him, in the past, and I made it a few moments ago. He was quite blasé about the role and the duties of a Labour Inspector. But, in fact, they are very clearly set out in section 17 of the Employment Act. The powers which are available to a Labour Inspector are very extensive. They can carry out investigations, they can enter premises, they can require production and disclosure of books, registers, and all that type of thing. Those are the powers which, as a result of the actions which the hon. Member has taken, he has given to six named trainees – and their names in the *Gazette*, that is instinctively something which I find disturbing, if I can tell him that now.

2060 He mentioned at the end, Mr Speaker, that there is the intention, and I welcome that, to employ more people into the Labour Inspectorate. Now, is the intention...? At the moment we have I think it is eight, a complement of eight – one HEO, one EO and the six graduate employees – is the intention to fill the civil servant posts which have been left vacant, as a result of the individuals who I mentioned earlier who have left to different Departments? Is that the Government's intention?

2065 But is it also the intention to have these gentlemen, or ladies, above the six graduate trainees who are currently working in that Department? Can he explain that to me?

**Hon. J J Bossano:** Well, can I, just for the avoidance of doubt, make clear that the degree of disturbances he is experiencing will not influence my policy, because I am not disturbed in the least.

2070 **Hon. D J Bossino:** I know you are not.

**Hon. J J Bossano:** And, in fact, I was very disturbed, when I found the state the Department was in, where people, dead and buried, were still being registered in our statistics as being at work. I do not know how you would impose on employers a requirement to comply with the law for the people who were in North Front, (*Laughter*) but that now is something that is in the past, fortunately.

2075 I think the hon. Member seems to use the word 'trainee', as if in fact an unemployed graduate that is being given this work was somehow less competent to do it than anybody else. (*Interjection*)

2080 I have explained on more than one occasion, and in great detail, that effectively what they are doing is making sure that we are equipped for Labour Inspectors to be able to do all their duties and all the responsibilities that they have, which at the moment they cannot do, because we have not got a clue what the real position is, and given that we have got this discrepancy between reality and statistics, it does not seem to me right that we should say to people who, for years, have been permitted to live in this state of free-for-all, that the law was changed, a big hullabaloo was created by introducing fixed penalties, where people would be fined by Labour Inspectors for not having notified the Department within seven days that somebody had ceased working.

2085 Well, if, this is, Mr Speaker, the hon. Member wants to be disturbed about something, let him just put himself in the position that existed before 2011. Here was a law, brought by the Government as taking a very tough line, to make sure that employers complied with their duty under the legislation. There were people being told, that if they did not, within the seven days, notify the Department that somebody was no longer working there, an Inspector would be sent and if he went to the premises and the guy that was supposed to be working was not there, had left, and they had not bothered to tell us, then they could immediately have a fixed penalty imposed on them. But it never happened. The law was there, so you legislate, and now you create all these offences and all these new illegalities, and people are then happily

2095 permitted to carry on doing it. It is very difficult now to get people to comply with the law, when for years nobody has attempted to require the law to be observed.

I find it odd that the hon. Member should be so disturbed because there are now six people investigating the situation, and so undisturbed about the fact that it was 15 years of a cowboy situation, where if you were a conscientious guy, which was a small minority, you actually did what the law says, but the vast majority did not do it. And I keep on telling him that the Government Departments themselves were not doing it. So, it is a vastly improved situation from the point of view of observing the law.

2105 The six people that are there are going to continue doing what they are doing, which is that in order to assist them in the research to get accurate information... If, I have given, for example, the hon. Member, previously, an explanation of what we want to do in terms of training, and how applying logic to the situation, we say to ourselves, 'Well look, we need to find out first what is the demographic structure of the workforce in a particular industry and in a particular trade, but the figure is not reliable,' can he not see how important it is to get reliable figures?

2110 If I go by the statistics in the Employment Department, and there are 2,000 construction workers, and of those construction workers, we have got 50 carpenters, and the 50 carpenters have gone into the records we have got, ranged between the age of 40 and the age of 60, and I start planning to produce trained people, in the expectation that there will be a need for succession of people retiring, so that we do not rely on having to import. But if the statistics on which all that exercise has been done are not sufficiently reliable for us to be confident, so we are making an assumption that it is perhaps 70% accurate, or 60% accurate, well surely, he can see the value of what is being done. I have told him that the six are engaged in doing this, and that the only reason why it was necessary to give them the power was to make sure that if people refused to give them their payroll details, or the list of workers that they have got, so that they could be compared with the records, they would be able to require that information to be provided.

2120 Look, the fact that Labour Inspectors can do lots of other things does not mean that people then go out and start doing all the things the law allows them to do. So, they are doing what is required. The additional officers that will be appointed will be from the existing people in the Department, and it will be on top of the figures that I have given.

2125 **Hon. D J Bossino:** Mr Speaker, the hon. Member completely misses the point of my question. He completely misses the point of my question. My question was not to do with, as he puts it, the 'free-for-all', that there were dead people in North Front and all the rest of it. That is not the point. The point is the people who are discharging the duties, that is the point. And, with respect to the hon. Member, he has not answered my question, and the question – (*Interjection*)

2130 **Mr Speaker:** Well, if he has not answered the question, if he has not answered the question (*Laughter*) he has been at it for 20 minutes, (*Laughter*) so if a question is not answered by a Minister who holds the floor for 20 minutes, I do not know when it is going to be answered. (*Laughter*) (**Hon. D J Bossino:** Mr Speaker –)

2135 But I should give notice that we are going to move on, because we are not going to be dealing with the Labour Inspectorate all morning, right? There are other questions which have all been answered together, and I will ask the hon. Member to move on to those as well.

2140 **Hon. D J Bossino:** Mr Speaker, that is a criticism, I take it and I know there are various Government Ministers laughing about the intervention that the Speaker has just made – but actually that is a criticism of the Hon. Minister, not of me! It is the Hon. Minister who was rambling, and taking ages to answer a question. (**Several Members:** Hear, hear.) (*Banging on desks*) It is not the question that I am posing, Mr Speaker.

2145 **Mr Speaker:** The hon. Member asked the Minister for Employment what was the role – what was the role of the Inspectorate. Did he not ask that question? (**Hon. D J Bossino:** Mr Speaker –) Did he, or did he not ask about the role of the Inspectorate? Yes.

2150 **Hon. D J Bossino:** Yes, but that is not the point. I may have asked that question, I may have asked three or four questions, Mr Speaker –

**Mr Speaker:** You did ask the question! No, no, hang on, (*Interjection*) because I am not gaga, you know! (*Laughter*) Far from it!

2155 The hon. Member asked, in a supplementary, what is the role of the Labour Inspectorate, and the Hon. Mr Bossano has spent 15 minutes explaining that. (*Interjection*) Right, right, right.

**Hon. D J Bossino:** Mr Speaker, I have immense respect for the Speaker. He knows that, I have immense respect for him personally, and never, ever, *ever* would I have thought that he is gaga. Indeed, I have immense respect for the Hon. the Minister for Employment as well, so that is not the point.

2160 The point is the length... Mr Speaker, alights on one issue, and that is the length of the answer, that is the only point I am making, that has got nothing to do with me. I asked the questions, I cannot determine how long the Hon. Minister opposite is going to take to answer the questions. So, if this is lengthy, it is as a result of the hon. Member's intervention, and not mine.

I am not criticising the length of the answer. This is you, Mr Speaker, who is making that criticism.

2165 The point-specific discrete issue which I asked him in the question, Mr Speaker, is whether he intends to replenish the Labour Inspectorate with civil service posts, and if so – (*Interjection*) the point has not been answered, with respect – and Mr Speaker, and if so, how many?

**Hon. J J Bossano:** Well, Mr Speaker, clearly the hon. Member – (*Interjection*)

2170 **Mr Speaker:** Could I also enjoin the hon. Member who has been here since 1972, the principle that not only should questions be short, sharp and to the point, but as far as possible, so should the answers.

**Hon. D J Bossino:** Exactly.

2175 **Several Members:** Hear, hear. (*Banging on desks*)

**Hon. J J Bossano:** Well, Mr Speaker, I am criticised if I am short, sharp and to the point, and I say yes or no, and I am criticised if I provide a lot of information, so it is a no-win situation. (*Laughter*)

2180 I have to say to the hon. Member that maybe because I gave him more information than he wants to have, clearly he missed the fact that I also gave him the information that he was asking. I finished my answer to him by telling him that there would be additional officers, that they would be from the existing people, who have been in the Department, and that they would be in addition and not in substitution of the six. I have already told him that, and that is the answer that he says that I have not given, and I have given it. (*Interjection*) The record will show that I am saying the same thing twice.

2185 **Hon. D J Bossino:** Yes, I heard that answer. I think, I may have lost the... Maybe I am getting gaga, Mr Speaker. I have a recollection of the... My supplementary was in answer to the point he has just made. And I think the supplementary was, how many positions is he intending to make available? That is the question, in respect of which I do not think I have had an answer, with respect.

2190 **Hon. J J Bossano:** Well, I have not got a maximum or a minimum. That is to say, we will make other officers of the Department that have been there a long time and are experienced, which seems to be the thing that is causing him to lose sleep, in addition to the complement we have got now. Maybe another four or five.

2195 **Hon. D A Feetham:** Yes, Mr Speaker, I can certainly say that I sleep like a baby – I have to say, it is one of the positives in my life. (*Interjections*) But Mr Speaker, can the Hon. Minister tell me whether, before somebody or after somebody takes on the position of Labour Inspector, that person is required to undertake any training that is specific to being a Labour Inspector?

2200 **Hon. J J Bossano:** To my knowledge that has never happened, ever.

2205 **Hon. D A Feetham:** So, as I understand it, therefore, when these trainees become Labour Inspectors, they do not receive any kind of training that would help them become Labour Inspectors either. Because, they are, effectively, acting as Labour Inspectors. They are not being trained to act as Labour Inspectors.

2210 **Hon. J J Bossano:** Mr Speaker, just because his colleague to his left decides to call them trainees, that does not mean that they are trainees. They are not being trained as Labour Inspectors. They are not trained Labour Inspectors. I have explained on numerous occasions today, and in previous meetings, already. It is therefore for the record in Hansard that these graduates are doing research into the labour market, in order to eliminate the inaccuracies in the records of the Department available to the Parliament.

2215 I would have thought that the Members opposite, who are so keen to be given information, would welcome the fact that in future that information will be more accurate. I would have welcomed it when I was there. But in fact nothing was done in 15 years to improve the accuracy. The only thing that was done was to legislate to make the private sector behave, but in fact, the legislation never worked, because it was never actually put into effect. Nobody was ever fined by anybody for failing to put in a termination after seven days, or within seven days, and if that is not done, how can the Labour Inspectorate be in a

2220 position to ensure that the law is being implemented, as required, and impose fixed penalties, which the law allows them to do, when none of the data on record is accurate, and when I have already told him that there are 250 employers recorded in the Employment Service with employees who may not be there?

2225 I find it extraordinary that the hon. Member seems totally unconcerned about that. He is only concerned that the graduates are graduates, and not post graduates, or doctors, or some other higher qualification, and that somehow puts the system at risk. What puts the system at risk was the shambles that was there, which I have not yet been able, regrettably, to put right, even after two years.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Oh, but you will.

2230 **Hon. J J Bossano:** But I will, yes of course. (*Interjections*)

**Hon. D A Feetham:** Mr Speaker, I only have to rise for the hon. Gentleman to apparently get angry. I only have to ask a question (**Hon. D J Bossino:** Yes, yes!) and he gets angry!

2235 **Hon. D J Bossino:** Do not get angry.

**Hon. D A Feetham:** Look, I am not –

2240 **Mr Speaker:** He was not referring to the Hon. the Leader of the Opposition; he was referring to his hon. colleague – (*Interjections*)

**Hon. D A Feetham:** He was referring to me and the question I have asked! (*Interjections*)

**Mr Speaker:** He was referring to the hon. colleague.

2245 **Hon. N F Costa:** Mr Speaker, perhaps, if I may throw some sharp focus into this debate. The – (*Interjections*)

**Hon. D A Feetham:** Do you want me to give way?

2250 **Mr Speaker:** No, no, the Hon. Leader of the Opposition has the floor.

2255 **Hon. D A Feetham:** Well, Mr Speaker, if he was referring to the hon. Gentleman, not me, I apologise. I thought that he was getting angry at my question and my lack of concern. But, I can assure him, there is no lack of concern here, I am just trying to get to grips with, what the role of these individuals are, because, of course, if all that they are doing, they may have been appointed as Labour Inspectors, but if all they are doing is research work, they are effectively not doing the work of a Labour Inspector. Is it the Government's policy to just keep these trainees – I hope he does not mind my using the term 'trainee' – using these trainees, doing research rather than going and doing, for example, field work, which is also part of a Labour Inspector's role? (*Interjections*)

2260 **Hon. J J Bossano:** It is easier to get exasperated than angry. I have already given the answer. I have given the answer to the hon. Member's question already, today as well as previously. I have said – (*Interjections*)

2265 **Mr Speaker:** And therefore because you have, I am really bringing matters to an end on the Labour Inspectorate. Because the Hon. Minister is answering the same question again and again and again. (*Interjections*) I know that he has answered and *Hansard* will prove the fact that that question has been answered. Maybe, because he was holding the floor for 15 minutes, maybe the attention of Members of the Opposition wandered, and they missed the point, but he definitely (*Interjections*) he definitely did answer – he answered that (*Interjections*) and in his answer was he not dealing with policy? (*Interjections*) The Hon. Minister was dealing with policy in the answer. (*Interjections*)

2270 **Hon. N F Costa:** Let's not go over it again, we all know about it – we listened to it.

2275 **Hon. J J Bossano:** Mr Speaker, let me see if I can reduce it to words of one syllable and maybe then the message will get through.

There are six people who are graduates, who are employed in conducting the research that is required to have accurate records. Since I informed the Members of the House of this, and repeatedly today, I have told them that that is the function they have, and in order to be able to get the information that is required

2280 to remove the inaccuracies, they have to have the power that says to the employer, 'You cannot refuse to give me this information, because...' –

**Hon. D A Feetham:** I understand all that –

2285 **Hon. J J Bossano:** That is the only thing they are doing, so what is it that he does not understand?

2290 **Hon. D A Feetham:** So therefore the policy of the Government is not to allow them to do any field work, which is also the function of a Labour Inspector? That was the question, that they are not going to be doing... The policy of the Government is not to allow them to do any field work – that is it, that is the question.

2295 **Hon. J J Bossano:** Mr Speaker, is it then the case that what he calls field work is leaving the office and looking for the – ? (**Hon. D A Feetham:** Yes.) Yes, well clearly then the answer to that is that I have already told him that as well. I have already told him there are 250 employers recorded with the Employment Service that were not contactable by telephone, and now two of the six are trying to establish whether those employers and their employees still exist or not. And they are doing it in order to be able to conduct and complete the research on the accuracy of the records.

2300 I do not understand why they have great difficulty in understanding what is self-evident, because it has been explained *ad nauseam* so many times. If they still do not understand it, I am happy, to stand up here and tell them a hundred times, if it is necessary. But it is a very simple thing. There are 250 people that were not contactable. We want to know whether they are still here, and if they are not here, we want to be able to say to Members opposite, when they ask a question, how many construction companies are there, to have a figure that is more accurate than what I have got now, because now I do not know whether the people have had their telephones cut off or they just do not exist. I suspect a lot of them have stopped being in existence for many years. (*Interjections*)

2305 **Mr Speaker:** The Hon. Mr Bossino asked other questions: does he have any supplementaries on those?

2310 **Hon. D J Bossino:** Oh, yes, Mr Speaker.

**Mr Speaker:** Oh, yes, right let us get on with it please, because we must make progress. We are not going to be here all day, dealing with the same subject.

2315 **Hon. D J Bossino:** I do not think any of us... Anyway, Mr Speaker... Let's see.

In relation to the monitoring of the FJS trainees, is the hon. Member telling this House, if I have understood his answer correctly, that there is no monitoring whatsoever? Is that the position? Because, he mentioned –

2320 **Mr Speaker:** The hon. Member may not have the answer in front of him, but I do, right, and I am not allowing the same question to be asked. He was told: the role of monitors was discontinued in January 2012. So it has been discontinued. Is that clear? Does he understand that?  
Now, let's get on to something else.

2325 **Hon. D J Bossino:** Mr Speaker, that was a clarification. The Speaker is correct that I do not have the answer to the question set out as –

**Mr Speaker:** There you are. Now you have got the answer to the question. Let's see if we can make –

2330 **Hon. D J Bossino:** Mr Speaker, shall I go to the corner? (**Several Members:** Ooh!) (*Laughter*)

**Mr Speaker:** The second part – there you are... [*Inaudible*]

2335 **Hon. D J Bossino:** Mr Speaker, if I can just finish – (*Interjection by Mr Speaker*) Mr Speaker, if I can just finish the point, I do not have the written answer in front of me. The Speaker does, I do not have it, that is why I requested clarification. The hon. Member has chosen, as he normally does, Mr Speaker, to bunch up five questions together. (*Interjections*) Five questions together, which is what he normally does. So that is the only point I was saying. I am grateful to the Speaker for the clarification.

2340 Now, Mr Speaker, how is it possible for the Government, for his Department, to monitor how the trainees are doing in their training?



2345 **Hon. J J Bossano:** Mr Speaker, the previous system that had monitors, had monitors because people were not placed with somebody that guaranteed them a job. And therefore, the performance of the person, in learning the job, is guaranteed by the fact that there is a job at the end of the day, and if the person is not performing as he should, then the employer has to decide that in the first month. There is no need for the monitoring role that existed before. Because they are no longer students, they are now employees of a company that provides that employee, as a trainee, for an agreed period of time...

2350 And I have already given him the statistics, of the percentage that get employment, and therefore, there is no other requirement, other than the employers have a form to fill up, on a monthly basis, telling us how the people are doing. But, at the end of the day, the commitment is inescapable – either they employ or they pay.

2355 **Hon. D J Bossino:** Mr Speaker, how does he ensure – ? He knows that I made the point in his reply to me on *GBC* in an interview. How does he ensure, for example, that trainees actually attend on their placements?

2360 **Hon. J J Bossano:** Mr Speaker, the employers are required to make a return which shows if the person is absent, if the person is sick, or if the person is on leave. If the person is absent, I do not know what experience the hon. Member has of employment, but I can tell him that no employer would tolerate somebody being absent, in the knowledge that they would have to take him on and pay him at the end of the three months, or whatever. So the reality of it is that the system that exists is one which I am satisfied is producing the results that it is designed to produce, which is that the people are being trained for jobs that exist, and are getting the jobs at the end of their training.

2365 **Hon. D A Feetham:** But, Mr Speaker, really, herein lies, I think, the difference between the Government and Opposition in relation to this – one of the distinctions, one of the fundamental differences.

2370 Am I right in saying, really, that what the hon. Gentleman is saying is this: we are really not concerned about the quality of the training that somebody receives, because, quite frankly, somebody cannot receive proper training in one month. What we are really concerned about (*Interjection*) is making sure that those people are employed by an employer. It is statistically driven, in other words, to reduce unemployment in Gibraltar, or get people into employment, not necessarily training driven – am I right?

2375 **Hon. J J Bossano:** No, Mr Speaker, the hon. Member is wrong, because, he knows very well the statistics of the results of the training that was existing before, where it existed – that is to say, there are now many carers in the Care Agency, as a result of training being provided which did not exist before 2011. (**Several Members:** Hear, hear.) (*Banging on desks*) And I have told them that we have now got an intake of people who are doing City and Guilds in the work trades, where clearly the training is linked to obtaining qualifications. We have been providing training for people to be qualified as bus drivers, which will mean that we will not have to bring bus drivers from outside, like we have been doing for the last 15 years.

But, of course, everything that we are doing is in order to get people into employment. That is what Employment Ministers are supposed to do. That is what they get paid for.

2385 **Hon. D A Feetham:** Yes, Mr Speaker, you see, even under the previous administration, there were different layers, different bows, so to speak, different strings to the bow, in terms of training. One had VTS on the one hand, one had the Construction and Training Centre, there were other training schemes in place. But this one-month training relates to what used to be, effectively, the VTS on-the-job training. Now, I am asking the Minister, what on earth can an individual, one of our young people, learn in one month? One cannot describe this as a training scheme. One can describe it as an attempt to get people in employment – I accept that – but it cannot possibly be described as a training scheme, because it is not possible to learn something worthwhile in one month. Is that not the case?

2395 **Hon. J J Bossano:** Mr Speaker, clearly the problem with the hon. Member is that he does not listen to what I tell him, and then he jumps to the wrong conclusions – (*Interjection*) Well, all I can tell the hon. Member, I have said to him, the one-month probation is the period that the employer has, to decide whether the person is going to be suitable or not –

2400 **Hon. D A Feetham:** Yes, to take them on.

**Hon. J J Bossano:** No, they do not take them on at the end of the one month. I have already told him, that they take them on at the end of the training, which is longer than the one month, and if they take them

on after the one month, that is fine, but if in the second month, or the third month, they say no, then they have to pay back the money.

2405 Did he miss all that? Was it his hearing or his unwillingness to accept the reality of the situation? Which is that what is happening now is two or three times as successful as what was happening before, in terms of getting employment, which he has repeatedly told us they would welcome. They want us to be successful. They want more people to be employed. Well, why is it that, for somebody who wants something to succeed, I have never seen anybody try so hard to make it fail?

2410 **Hon. D A Feetham:** What is the average period of training, in relation to this? I am talking about the replacement for the VTS. Originally, we started off last year with an 11-month contract, and I can understand that, in 11 months, you could say that somebody is obtaining some training. I think that 11 months is too short a period, in any event, but certainly I can see that in certain areas, 11 months could be sufficient.

2415 Then it was reduced by the Government to six months, then it was reduced to three months. Now it is one month. It is all very well for the Hon. Minister to stand up, and to say, 'Ah, no, no, no,' when he is caught out in this House – 'No, the one month is just a probation, but they get more training.'

2420 What is the average timescale for training of these individuals? Because it does not appear to us that there is a timescale for training, and this is just a scheme, in which to churn people – place them in employment, often in companies that the Government itself has helped incorporate, (*Banging on desks*) registered at No. 6 Convent Place and at his Ministry, which we only found out by chance, by searching Companies House.

2425 **Hon. J J Bossano:** Mr, Speaker, what is quite obvious is that the level of political dishonesty of the Member opposite means that it is a complete waste of time trying to give explanations.

He says that when I am caught out, I then come up and call it a month probation. I have been calling it a month probation since 1st February 2012! Has he forgotten that?

2430 What he has said is simply not true. It is not that I have been caught out today, and for the first time today, I have converted training programmes of one month into probation periods of one month. *The probation period of one month was announced on 1st February 2012*, and I said, if there is somebody with an 11-month contract, the first month – and I said it *in* the first month – is the time that the employer has got to decide whether they want to continue with that training or not.

2435 If, within the first month, the employer turns round to us, and says, 'We think this person is not the right person for this job', or 'we do not think he is showing enough interest, and I would like somebody else,' then the person comes back, and a new trainee is put in that placement.

2440 This has been explained since it started on 1st February 2012, and he now accuses me of having been caught out by him today, and inventing the one-month probation. Well, that is nonsense, like most of the things he says are nonsense, and in fact, it is clear that he is not remotely interested in the fact that more people are working now, than ever before. He is only interested in seeing what he can do to make out that there is some heinous plot, which conforms to the bad image of the policies of the Government that the GSD used to have, when he was in the GSLP and they were criticising us, including him.

2445 **Hon. D A Feetham:** Mr Speaker, he really should not be as sensitive as he appears to be today, in his reactions to my questions.

2450 But look, he says there is a one-month probation, during which the employer makes a decision. We know that these contracts are contracts that are being entered into with ETCL. What is the length of the contracts that these trainees enter with ETCL? Because, as I understand it, those contracts have gone down from 11 months to three months, and now (*Interjection*) – to three months; I am told it has not come down to one month, but certainly three months. Even if it is three months, what can anybody expect to learn? That is the point, that is what divides us. We want to get to the bottom of how well people are being trained, particularly the young people in Gibraltar. Now, what can people learn in three months?

2455 **Hon. J J Bossano:** Mr Speaker, the information the hon. Member is asking has already been provided today, as well as in the past. In the original answer, I have given a detailed breakdown of the length of the contracts of everybody, with their ages and their gender. What more does he want?

2460 There are 76 individuals in the private sector, 16 with three months, and 60 with 11 months, under 25, 52 of them, and over 25 (*Interjections*) the remaining 24 – I mean, all this information shows is that, as I have tried to explain to them, if they are really interested in seeing the logic of the system, it is driven by the demand in the market. So, if somebody says to us, 'Look, we want to train somebody to make hamburgers,' well look, I think it can be done in three months, actually. (*Laughter*) Now he may think it requires a degree in hamburgers; I do not – and the guy that wants to employ him does not either. Obviously, the person will argue that it takes much longer, because he wants to have him longer paid by us, rather than by him.

2465 But the answer is that we ask people to be realistic, and where there are people that can learn the job quicker than the 11 months, it makes sense to do it. Because then, as I have also explained before to the hon. Members, it means that with the same budget, we can actually help more people – which we all ought to be in favour of, because ultimately the result of the system will be seen when we see whether there are more Gibraltarians in employment.

2470 And I am saying to him, as I did a year ago, the Employment Survey for October will once again show a record number of Gibraltarians with jobs. We have got an obligation, not just in the Government but in the Parliament, to achieve that, because we ought to want our people to have jobs, and not have to rely on having to bring people in, unless it is in areas where the skills cannot be obtained.

2475 **Hon. D J Bossino:** Mr Speaker, I would be happy to hear and move on to another supplementary in relation to one of the bunched up questions, and that is in Question 801, I think it was. The hon. Member has answered it, but I am not sure he has understood the question, and it is possible to have the two interpretations. I do accept that

2480 And that is what I asked whether the companies currently involved in providing employment to the FJS trainees... whether he could provide information, which includes the names of the companies, directors and shareholders. What I meant was the Government-owned companies which form part of the FJS structure – in other words, CTCL, ETCL – I cannot remember the names, I have got the details here.

2485 The answers I have had from the hon. Gentleman in the past, or my colleague, Mr Feetham has had from him in the past, is that there are four subsidiary companies. I have just mentioned two, ETCL and CTCL; there is Graduate Research Development Company, Supported Employment Company Limited, and the parent of those companies is a further company, called Economic Development and Employment Company Limited, which has some sort of relationship above it with the Gibraltar Development Corporation.

2490 I just wanted – if he does not have any information with him, but I am sure it is something he is very familiar with – whether he can provide me with the full details of... in other words, whether the information I have just given him is accurate as at today' date, or are there more companies involved in the provision of that particular service?

2495 **Hon. J J Bossano:** Well, Mr Speaker, I do not know whether it is that the hon. Member is now trying to change the question that he put. The question that he put previously cannot have any interpretation other than the one that has been given to it by my Department, because the hon. Member says, can he have the details of the companies, currently, involved in providing employment to the FJS trainees, to include the name of the companies, which has already been given in the past, the directors, and the shareholders? Well, how can he say, 'I want to know who are the shareholders of the companies that are owned by the Government'? Well, the shareholders of the companies that are owned by the Government are the Government. So why does he want to know the shareholders?

2500 The reality of it is that the only considerable interpretation is that they wanted to know the details of who are the people providing the training and where the trainees are placed. Now, that is what I have told him. There are 78 private companies that have got trainees. If that is not the information that he is seeking, then the answer is there are no new Government companies. They are the same Government companies that were there before, with the same shareholders and the same directors. And the information is known to him already.

2510 **Hon. D J Bossino:** Well, no, Mr Speaker, the current information would not have been known to me, necessarily, but the interpretation of the question is very clear, in fact because I just based myself on the explanations that the hon. Member has given us as to how the scheme works. The FJS trainees, are employed by the Government's own company. They are not employed by the placement provider, until they stop being FJS trainees, and then they become employees of the placement provider. That is how I understood it. That is why the question was very specifically phrased, and I thought I have been, but you know, I think, generous to the hon. Gentleman by saying that it is possible that it would be open to those two interpretations. But, the question was very specifically phrased, in order to elicit the answer that I wanted. But, I am grateful to the hon. Member.

2515 And simply, just to alight on one point that he made in his answer, which is that he has provided me with the names of the companies of – in this case, the 78 placement providers – I do not think he has. In fact, that is a bone of contention that he knows we have aired publicly in press releases, that I will not be satisfied as to the success or otherwise of the scheme, until he provides me with the details of the employers who are actually employing the FJS trainees.

2520 So can he, maybe, clarify that in fact his position is that he will not provide this House with information as to who the placement providers, and then potential employers are?

2525

**Hon. J J Bossano:** Mr Speaker, the question that he is asking me now is the question that he says was not the question that he asked me before, but the one that I misinterpreted him as asking, to which I have already given him an answer.

2530 **Hon. D J Bossino:** Mr Speaker, in relation to Question 802, which dealt with the FJS trainees, and how he says I asked whether the training that they are receiving... how that training is designed to produce jobs for them, really that is based on one of his announcements, shortly after he took office as Minister for the Employment, were he was very confident that the training which these individuals would be receiving would be designed to produce jobs for them.

2535 Now, the reports that I am getting, at least in relation to some of the trainees – I cannot say accurately that it relates to all of them – those who are employed by the grad company is that many of them are actually doing rather menial jobs, and not what they thought and what was promised to them in the manifesto – like, for example, filing and stuff like that. I made this point, I think two sittings ago, where there was a very clear and express manifesto commitment, at page 25, of the GSLP manifesto, where he said – or rather, where the party now in power said – that those graduates returning to Gibraltar will be given a three-year contract as research assistants, and will be involved in undertaking the research work of the Departments, relating to inward investment, manpower planning, and efficiency measures, to assist economic growth.

2540  
2545 Now, given the very clear promise which was made, how does he marry that with those individuals who are doing filing in Departments, which have got nothing to do with economic growth?

**Hon. J J Bossano:** Well, it is very easy, Mr Speaker, when that was put in the manifesto, we were being told by the Government that was in office then that there were only five or six, and I have already told him that. It is not possible to have 70 graduates and provide them all with the level of research that is available. We are using many more than we originally intended, simply because there are so many people that we found without work. In addition, of course, some of the people that we have taken on went beyond what was in the manifesto, in the sense that it is very clear, in that manifesto which he has read, that the opportunity was being given to returning graduates.

2550  
2555 And there have been a number of instances, which certainly I want to make clear is not the intention of the scheme, and we were not conscious of it when it happened, that actually gave up their employment, and then registered as unemployed, and we put them in the scheme, thinking they had just come back, and they had not.

2560 There is no point in people who have got degrees and are now working in the private sector resigning from their jobs, in the expectation that this is a back door into the public sector, because it is not, and it was never intended to be.

2565 The reality of it is that there are something like 45 former graduate trainees who are in full-time employment in the private sector. They might have been able to get those jobs anyway, even if they had not been doing this, but we believe that the work that they are doing, and the range of places that we send them to, will be of assistance to them when they compete for jobs. But certainly, the requirement in the Department for people engaged in the research is not in the numbers that we have now taken on.

**Hon. D J Bossino:** Mr Speaker, in relation to competition for jobs, can he confirm that graduate employees... sorry, the trainees who are currently employed in the graduate company will be able to, fairly and squarely, compete for positions within the Civil Service, as with all the other – I think he said so before – certainly, in relation to the FJS trainees – with people from outside and people internally, within the Civil Service? Will they be able to compete for those positions?

2570  
2575 **Hon. J J Bossano:** I can tell the hon. Member that, in fact, when applications were opened for AAs, many of our graduates and other trainees, notwithstanding the fact that they had the advantage of having had some experience in Departments, were not selected, because the quality of the applicants was so high.

2580 I can understand that the people doing the interviewing... even though they may have somebody that can say, 'Well, look, I have been working in such and such a Department, doing such and such a job, in the last 12 months,' that person that has that advantage, when competing in the Government for a job, where there were people, as I have explained to him already, that were applying who had maybe 20 years of working in a bank, or 20 years of working in an accountancy firm, or in the finance sector, in a situation where the vacancies that were being opened in the Government were weighted by a need for applicants with numeracy skills, where we have got a shortage within the Government... It is in areas like the Treasury where we tend to have a lack, within the Government, of people that either like or are capable of doing that level of work, and would rather be doing something else.

2585 So, in the interviewing exercise, people who came from the background of those financial services were given a higher ranking than those that came from a different background, when the selection was done, by the Public Service Commission. And that meant, I regret to say from my perspective, as a

2590 Minister for Employment, that some of the people that I had unemployed and some of the people that I  
had in the training schemes, and some of the people that I had as graduates in the grad scheme were not  
selected because there were so many people with many years of experience and of knowledge of  
accountancy and that kind of work, which was an area that we were short of in Government, and  
therefore, logically, the people who were doing the selecting were driven by other priorities than mine.  
2595 My priorities would have been, frankly, to have had the ones that I had on my books getting employed,  
because that would have meant that I would have then had money to be able to help other people. But it  
did not happen, and therefore there is no guarantee – and I have said it on many occasions, because I want  
to send a very clear message – the fact that people are working in a particular Department at the moment  
does not mean that they have got a higher priority or an entitlement or a guarantee of anything.

2600 **Hon. D J Bossino:** Mr Speaker, I am grateful for that. So the answer is yes, they can compete for the  
jobs. That is the position.

**Hon. J J Bossano:** They can apply, and they get in on their merits, yes, of course.

2605 **Mr Speaker:** Will you call Question 804?

**Rock Administrative Services (Gibraltar) Limited  
Details of services provided to Government**

2610

**Clerk:** Question 804, the Hon. D J Bossino.

2615 **Hon. D J Bossino:** Can the Minister for Employment provide details of the services which are being  
provided to the Government by Rock Administrative Services (Gibraltar) Limited?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2620 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** This  
company provides supply cover to the public sector.

2625 **Hon. D J Bossino:** Mr Speaker, there is a specific question which arises from that answer. The  
individuals who are employed by this company and are providing, as he said, the supply cover: can they  
also compete for the vacancies which arise within the Civil Service, along with the others, with the FJS  
trainees, the graduates, and other civil servants, or even people from outside? Are they able to compete  
for those jobs?

2630 **Hon. J J Bossano:** They are only able to compete for jobs that are at the entry grade. The jobs in the  
Civil Service are either promotion, in which case there are only people who are in those grades that can  
apply, or there are jobs that are at the entry grade. At the entry grade, not just these people, but other  
people that are on permanent supply can apply for.

**Hon. D J Bossino:** And not just specifically the Civil Service, but also GDC – would that apply, for  
example, I think it is grade 1 in the GDC? Can he confirm that?

2635 **Hon. J J Bossano:** They can apply for any entry grade jobs in the public sector.

2640 **Hon. D J Bossino:** And by public sector, we are using the definition employed by the Employment  
Survey, which includes Government Agencies, Statutory Authorities – I know he is nodding his head, but  
may he for the sake of the record, say yes. (**Hon. J J Bossano:** Yes.) I am very grateful for the short  
reply.

2645 Mr Speaker, is the hon. Member able to give me some details as to the terms, pursuant to which these  
individuals are employed? For example, do they have the same pension rights; do they have the same  
entitlement to leave; do they have the same entitlement to sick leave? I am just trying to establish whether  
they are similar, or on exactly the same terms as their colleagues in the rest of the Civil Service. Or is  
there any difference there? I wonder whether he could answer that question.

I think we are going to have an intervention from the Speaker.

**Mr Speaker:** I am going to allow the supplementary, but it does not arise... The original question is  
'... Employment provide details of the services which are being provided...'. It does not say anything

2650 about the terms and conditions on which they are employed. But, I am going to allow it, so that the hon. –  
Seeing that we are getting into the Christmas period, I am going to be generous.

2655 **Hon. D J Bossino:** Mr Speaker, it also arises from the answer that he has given, because he says that they provide unemployment... It could have been any number of services that Rock Administration could be providing as a company. Specifically – (*Interjection*) No, specifically, it is providing an employment service. Therefore I think, with all due respect, it arises from the answer that I have received from the hon. Member.

2660 **Hon. J J Bossano:** Mr Speaker, the Government has been using employment agencies to provide cover for years. This is not the only one. The Opposition just wants to know about this one, but this is not the only one that does it, and it is not something that has never happened before.

2665 What is new this year is that we have actually taken steps to address an area where previously there was a certain amount of discontent – legitimate discontent, in my view – in the public service, in that, if there was a high incidence of sickness, or a small Department lost two or three of its members, on maternity grounds or that kind of thing, the Department was supposed to carry on with the workload with the remaining staff. And this year, the Parliament voted a token vote, to provide cover which previously had existed in some areas, but not in others, and we actually treated every Department the same.

2670 So, the answer is that they are employees of a private firm – of this and of other private firms, there are quite a number of them – who get called to send somebody to work in a Department, but on terms which involve the private firm getting paid a premium over the rate of pay that they pay to the individual. But the conditions are there, the conditions of the private sector. They are not in the Civil Service, they are not the same as the rest, because if they were the rest, then they would be civil servants. They are not civil servants. And it has been going on for a long time.

2675 **Hon. D J Bossino:** Mr Speaker, can he tell me, can the Hon. Minister tell this House, whether this company is taking on FJS trainees? Does he have that information, and can he provide me with that information?

2680 **Hon. J J Bossano:** Like every Government contractor, and everybody providing a service, they are encouraged to do so.

**Mr Speaker:** Next question.

2685 **Hon. D J Bossino:** Mr Speaker, presumably, I know he probably needs notice of this question, but can he give me at least a rough estimate of how many of those trainees Rock Administrative has taken on, or has currently taken on?

2690 **Hon. J J Bossano:** No, I cannot tell him whether there is one, none or many, because he knows I am not prepared to identify the people that take placements. He knows that already. (*Interjections*)

**Mr Speaker:** Next question, Question 805.

2695 **Housing Works Agency**  
**Compliance with recruitment requirements**

**Clerk:** Question 805, the Hon. D J Bossino.

2700 **Hon. D J Bossino:** Mr Speaker, can the Minister for Employment confirm that the requirements for recruitment at the Housing Works Agency are being complied with?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2705 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there is no requirement for recruitment in the Housing Works Agency.

2710 **Hon. D J Bossino:** Mr Speaker, I obviously stand to be corrected. That was not the understanding that I have, but I understand from my colleagues they may have answered the questions in previous sittings of the House.

The point I am trying to home in on is: as I understood there was an agreement, when the Agency was created, whereby if two individuals left the Agency but not by way of retirement, there would then be a replacement of one. So in other words, it was a 2:1 arrangement, and that is a specific point that, I understand, is not being adhered to.

2715 But if the hon. Member is telling me that that was not part of the deal, part of the terms of the contracts in the first place, then obviously, I clearly stand to be corrected, but so that he understands where the question was coming from, and perhaps he can elucidate further.

2720 **Hon. J J Bossano:** There is the reference that the hon. Member has made to two persons leaving and one being recruited, which, of course, is a mechanism designed to ensure the disappearance of the Agency, eventually. By inevitable arithmetical logic, if you replace two by one, eventually you will have two and then one, and then possibly a part-timer, a half.

2725 The Agency does not, at this moment, require to recruit anybody, independent of that. Just like, in 2011, there were 127 unfilled positions in the public service, on the complement which were not being filled, and in some cases going back to 10 years, and therefore, the filling of positions in the area will be undertaken when the Agency feels that it is appropriate to do so. But there is no time limit, as to when this should be done.

2730 **Mr Speaker:** Any other supplementary? Yes.

**Hon. D A Feetham:** Yes, I quite understand that. I do not have the grasp of mathematics that obviously the hon. Gentleman has, but of course, if you lose two and you do not replace them, you are going to get quicker to zero than if you are replacing it by one. Yes, that much is logical to me.

2735 Does the hon. Gentleman have the statistics, in terms of how many people have actually exited, and how many have been employed? If you have provided it, I apologise, but I have not been following this particular aspect of it.

2740 **Hon. J J Bossano:** The figure was given in a written answer previously, and there is only one extra body since that answer.

**Hon. D A Feetham:** One extra body.

**Hon. J J Bossano:** Yes.

2745 **Mr Speaker:** Any other supplementaries?

**Hon. E J Reyes:** May I, Mr Speaker, because the Minister has had a legitimate occasion to refer back to the written schedule that was kindly handed over before...?

2750 I am a bit confused in respect of one of the figures provided, Mr Speaker. Perhaps the Minister does have a particular note there.

2755 In respect of employees transferred out of the Housing Works Agency, I have got, on two occasions, one for 14th March and one for 19th March of last year. In respect of each of them, there are two, and it says 'craftsman/works supervisor'. Can he enlighten me, they are either craftsmen or they are works supervisors who were previously craftsmen. It is the same as saying teacher/head teacher. You are either a head teacher, receiving an equivalent head teacher's salary, or you are simply not promoted to be head teacher and you are just a teacher. So are they craftsmen or are they work supervisors?

It is half way down the page where it says 'transferred out'.

The author of the schedule, I believe, was the Minister for Housing. *(Interjections and laughter)*

2760 **Mr Speaker:** Let us pursue the matter –

**Hon. D J Bossino:** Mr Speaker, there are –

2765 **Mr Speaker:** – behind my Chair, and then, once it is understood what it is that he is after, and who should be answering it, then it can be answered – hopefully.

2770 **Hon. D J Bossino:** Mr Speaker, it arises from my question in relation to the Housing Works Agency. There has been a reply to the movements that there have been in the Agency, in answer to a written question, which was Written Question 146/2013, posed by my hon. Friend and colleague, Mr Reyes, and I assume, at the time, the Hon. Mr Balban already had responsibility for Housing. What my hon. colleague is asking is a specific question in relation to the description of two craftsmen/works

supervisors, which are set out in the schedule as transferring out from the Agency. That is a specific question which my hon. Friend is asking.

2775 **Hon. D A Feetham:** But anybody can answer.

**Hon. D J Bossino:** We are happy, yes – any takers, Mr Speaker! *(Laughter)* We are quite fine, so long as we get an answer this time.

2780 **Hon. J J Bossano:** I think the most probable answer, subject to going back and finding out, is that they were craftsmen acting as work supervisors. That is usually what it means when it has that line between the two.

2785 **Hon. D J Bossino:** Mr Speaker, is the hon. Member, Mr Bossano, the Minister for Employment, is he able to tell me...? The information that we have is that those two craftsmen/work supervisors have, in fact, transferred to his Department. Does he have that information? If he does, can he confirm whether what I am stating is correct, or otherwise?

2790 **Hon. J J Bossano:** The persons that have transferred, have transferred location geographically, but are engaged in work for the Housing Agency, in the sense that they are involved in the identification... I gave the hon. Member earlier the example of when the work is received from the customer, the first thing is that somebody goes out to do a spec of what it needs doing. Then, that is passed to an estimator, who also is working with me, and that estimator produces an estimate of what a contractor ought to be charging, given the costings that they use in the Housing Works Agency.

2795 So, the nature of the work has not changed, but the place where they are working from has changed.

**Hon. D J Bossino:** Can he tell us which geographical location has received these two individuals?

2800 **Hon. J J Bossano:** The geographical location is where they used to be, before they were moved to the other geographical location, which is in 31 Town Range.

**Hon. E J Reyes:** Thank you, Mr Speaker.

2805 I am a little bit confused arising from that answer. *(Laughter)* Can then, Mr Speaker, can the Minister for Employment then explain to me what the difference is between having been transferred out or being seconded? Because I thought I was following his logic, that you are an employee of the Housing Works Agency, and because of a particular task required geographically, he was asked to go and sit nearer the Minister's domain, and then one can understand you are seconded for that purpose, but that then must be contradictory to the other one being transferred out. So, what is the difference between being transferred out or seconded, if really they both pertain to the Agency? I do not know.

2810 **Mr Speaker:** As Chairman of the PSC, I could answer that one for you, if you like! *(Interjections)*

**A Member:** If we can ask supplementaries, you can! *(Interjections)*

2815 **Hon. J J Bossano:** Mr Speaker, when staff is moved, from one area to the other, the policy is, that we keep them on the budget of the original area until 31st March, so they are seconded, and then on 1st April, in the new Estimates, Members will see that there is usually a foot note, in the Estimates Book which they approve, which says, 'previously shown under such and such a head'. So, while they are seconded, they are still shown in their original head.

2820 **Hon. E J Reyes:** Okay so, yes, the secondment then is only really effective during the course of that financial year, leading up to, in most probability, to be permanently transferred out.

2825 If I may indulge in your generosity, Mr Speaker, at the very, very top of the two gentlemen who retired, it said 'craftsman/COO', and I am not well acquainted with that terminology, and given that I have got the Minister for Employment's attention, who is more than an expert in this matter, can he explain to me what a COO is?

2830 **Hon. J J Bossano:** I think the problem with the supplementaries is that these are supplementaries about a written question of a previous meeting of the House – Question 146, which was followed not by supplementaries which related to this. It was followed by a new question, this time saying, has there been any change in terms of any new bodies? Frankly, I have no idea whether the COO is a –

**Mr Speaker:** If the Hon. Minister is not in a position to answer the question –



2835 **Hon. J J Bossano:** I cannot answer that –

**Mr Speaker:** – then he does not have to.

**Hon. J J Bossano:** I can go back and find out from the people who produced this, what they meant.

2840 **Hon. D A Feetham:** Can I just go back to the two individuals that are geographically located in Town Range, and it really relates, as well, to a question that I asked some time ago, about how the mechanism for determining how much is spent, when it is spent.

2845 Is the reason why these two individuals, who are integrally and intimately involved in ensuring that works are coming in within estimate, are located in Town Range because the Minister himself is taking an active interest – the Minister for Employment – in relation to ensuring that these works are also within any budget that the Government may have, in relation to them, and that spending does not get out of control in relation to this particular area? Is that the reason?

2850 **Hon. J J Bossano:** No, Mr Speaker. *(Laughter)*

#### ADJOURNMENT

2855 **Clerk:** The Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government had intended to continue with Question Time this afternoon, but the Chief Minister's flight, it is anticipated, has been diverted to Malaga. So I now move to adjourn the House to Monday at 10 o'clock.

2860 **Hon. D A Feetham:** Mr Speaker, I have – and I will say so openly – I have offered the hon. Gentleman... My own questions are not questions that are time sensitive. If it causes any kind of problem to the Government, I am quite prepared for my own questions to be adjourned until January, provided obviously, as I do have the right to ask further questions in January. I have absolutely no problem with that, if that assists the Government. *(Interjections)* But, is there no possibility at all of continuing with, perhaps, the Health Minister's questions this afternoon?

2870 **Hon. Deputy Chief Minister:** No, Mr Speaker, the Government has to come back on Monday for several reasons, and I move the adjournment, which is to Monday at 10 o'clock.

**Mr Speaker:** I now put the question, which is that the House do now adjourn to Monday, 23rd December at 10.00 a.m. Those in favour? **(Members: Aye.)** Those against?  
The House will now adjourn until Monday, 23rd December at 10.00 a.m.

2875 *The House adjourned at 1.00 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.17 p.m.

Gibraltar, Monday, 23rd December 2013

## The Gibraltar Parliament

*The Parliament met at 10.00 a.m.*

MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*

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

**Clerk:** Sitting of Parliament, Monday, 23rd December 2013.  
Answers to Oral Questions continued.

5

## Questions for Oral Answer

10

### HEALTH AND THE ENVIRONMENT

#### GHA complaints process Update on Ombudsman

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**Clerk:** We are now going to proceed to the questions which are being posed to the Minister for Health and the Environment.

Question 811/2013, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 598, can the Minister for Health say when the GHA complaints process will be taken over by the Ombudsman, and at what stage they are in the process?

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

25 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no definite date yet. Advanced drafts of the procedure are currently under discussion.

30 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say if there will be a U-turn on the Government's manifesto commitment that complaints will be dealt with directly by the Office of the Ombudsman?

35 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical implication of what I have just said. The question was when the complaints process will be taken over by the Ombudsman, and I have said there is no definite date and advanced drafts of the procedure are currently under discussion. That does not contradict the Government's manifesto commitment that the process will be taken over by the Ombudsman; it is a question of how and how it is going to be implemented, but there is no change in that policy.

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**Staff recruitment and retention  
GHA policy**

45 **Clerk:** Question 812, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what the GHA policy for the recruitment and retention of staff is, and what the terms for contract workers are, wishing to apply for permanent and pensionable status?

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

55 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, staff are initially appointed on contract terms, and these may be of variable lengths depending on the specialism or post, and they may have their contracts renewed or extended, depending on the circumstances prevailing at the time.

On the completion of four years' good performance, where there is no locally qualified or eligible person studying, training or available for the post or where no succession plan candidate has been identified, staff on contract terms may be offered indefinite employment.

60 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if rolling over 10-month contracts is legal, as per EU employment law? Would he know that?

65 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical supplementary to the question that I have just answered and therefore I do not think I need to reply.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say who decides on the terms and conditions and the length of the contracts of new GHA staff?

70 **Hon. Dr J E Cortes:** Mr Speaker, terms and conditions will be standard and the length of contract will depend, as I said in the answer, depending on the specialism or post and what the succession plan may or may not be. There are no two cases which are the same and there will be different line managers who are responsible for taking those decisions.

75 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister confirm that it is the line managers who make those decisions, not the Human Resources Department, or is it in conjunction with the Human Resources Department?

80 **Hon. Dr J E Cortes:** Mr Speaker, I am very proud to say that the Gibraltar Health Authority certainly now works as a team and when decisions have to be taken, which have a bearing on performance and employment, they will involve the managers in question and the Human Resources Department. On some occasions I may be involved, but usually I will not be.

**GHA contract workers  
Changes to gratuity offer**

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**Clerk:** Question 813, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the 25% gratuity offer in lieu of permanent and pensionable status was removed from the contract of GHA contract workers?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the 25% gratuity offer in lieu of permanent and pensionable status was removed on 1st January 2012, following the ending of the old pension scheme by the last administration.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say what has replaced it?

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**Hon. Dr J E Cortes:** The Provident Pension Scheme, which was the one that replaced the old pension scheme. The Superannuation, the Provident 2, I think it is. I do not have that information. I have answered the –

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**Hon. Miss S J Sacramento and Hon. N F Costa:** It is the Provident 2 and the Superannuation.

**Hon. Dr J E Cortes:** The Provident 2 and the Superannuation –

**Hon. Miss S J Sacramento:** Fund.

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**Hon. Dr J E Cortes:** – Fund, I am informed by my colleagues.

**Hon. D A Feetham:** Yes, but the Superannuation Fund is a policy of your Government; it is not a policy of our Government.

115

Did I understand the Hon. Minister correctly? Did he say that the policy had changed as a consequence of changes that we had introduced to the pension system? Because the Superannuation Fund was something that was introduced by... sorry, I may have misunderstood you.

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**Hon. Dr J E Cortes:** What I said was that gratuities were removed when the *old* pension scheme was removed. Gratuities were given because the old pension scheme was not available to short-term contract officers and when that scheme was done away with, gratuities were done away with, because they are now able to join the pension scheme.

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**Hon. D A Feetham:** Can the Minister tell me whether people's contracts have been affected retrospectively? In other words, whether this has been something that has been introduced for future employees, respecting contracts, for example, of consultants that have been on this 25% of gratuity?

**Hon. Dr J E Cortes:** This is for new entrants; people who have a contract are bound to the contract.

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**GHA contract workers  
Reduction in housing allowance**

135

**Clerk:** Question 814, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say why there has been a reduction in the housing allowance for GHA contract workers, and whether this financial incentive will be removed entirely from the contract of GHA contract workers; and if so, when?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there has been no reduction in the housing allowance given to GHA contract workers and there are no current plans to remove this.

145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say what is the GHA policy on housing allowance for contract workers, if he knows?

**Hon. Dr J E Cortes:** Mr Speaker, at the moment, there is a housing allowance given to contract workers. That is the current situation and that is what I have just said.  
150

**GHA Human Resources Director/Strategic Development Executive Director  
Termination of contracts; payments received**

155 **Clerk:** Question 815, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say why the Director for the GHA Human Resources and the Executive Director for Strategic Development are no longer in employment at the GHA, and how much they were each given for terminating their employment contracts?  
160

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

165 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, these officers' departures from the GHA was by mutual agreement. The terminating payments were in accordance with the contracts that they had been given by the former administration and amounted to approximately £107,000 and £109,000 for Human Resources and Strategic Development posts respectively.

170

**District Nursing Charge Nurse  
Applications received; details of appointee**

175 **Clerk:** Question 816, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how many applicants there were for the vacant post of District Nursing Charge Nurse and who was successful in getting the job?  
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**Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there were three applicants. It would not be correct to publicly state the names and my Hon. and Learned Friend, the Minister for Equality, Social Services and the Elderly, pointed out on Thursday that this is in keeping with the Speaker's ruling.  
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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, have all three applicants been successful or just one chosen from the three?  
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**Hon. Dr J E Cortes:** Mr Speaker, the three applicants were successful.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, why were there the extra two charge nurse vacancies? Why were they not advertised separately at a later date, when the original vacancy advert was for only one charge nurse?  
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**Hon. Dr J E Cortes:** Mr Speaker, this came at a time when management decided that it was appropriate for these specific posts to be at that level. It followed procedure established in 2006 by the former administration, when a vacancy for one post had been advertised, but management decided that two should be taken and in order not to delay things further and to require the whole process to start anew, the selection procedure was extended to include those. So there is no change in established practice.  
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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say why a change in decision was made to move the employment from just the one charge nurse to now three charge nurses?  
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210 **Hon. Dr J E Cortes:** As I explained, Mr Speaker, this was as a result of the management of the section feeling that that was the more appropriate way in which to run this highly specialised section in which people are working largely independently, but carry a large amount of responsibility on their shoulders.

215 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Government now going to increase or double the number of community nurses too, commensurate with the doubling of these charge nurses in the community; and, if so, by when?

**Hon. Dr J E Cortes:** Mr Speaker, there is no current plan. As with all other matters in the GHA, we are constantly reviewing how we carry out our operations, but there is no current plan at the moment.

220 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does not the Minister agree that by having changed this decision at the last minute by management, by increasing... by offering employment to these *three* charge nurses after the issue of a vacancy notice for just *one* post, that other GHA staff may have been disadvantaged by not providing them with the opportunity to apply?

225 **Hon. Dr J E Cortes:** No sir. The Minister does not agree and, as I say, this is a practice which was following an established practice dating back to 2006. Maybe it happened then, but certainly I do not agree that it happened now.

230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that one of the successful applicants had, prior to the announcement of the vacancy, gone to the UK to undertake a course as a charge nurse manager for the community nursing and decided not to complete the course, and then later was taken on as a successful applicant?

**Hon. Dr J E Cortes:** Mr Speaker, I am not aware of those circumstances.

235 **Hon. J J Netto:** Mr Speaker, could I ask the Minister whether the decision to appoint the three applicants was that decision taken by the board which interviewed the three applicants, or was it taken by different sets of people above the individuals in that particular board?

240 **Hon. Dr J E Cortes:** Mr Speaker, the board is a board which selects its applicants and will have, I have to assume, found all three suitable. That is the only assumption I can make, otherwise they clearly would not have been appointed.

245 **Hon. J J Netto:** Well, Mr Speaker, he makes the assumption that that would have been the decision of the board, but yet he does not know. But he does not know either the fact that one of the applicants went to the UK to undertake that course prior to the application and he does not know that he decided not to complete the course either. It seems to me like the Minister for Health very conveniently chooses to ignore and assume things he does not... that may put him in a bad light and then take decisions in not answering questions here in Parliament.

250 Is it not the fact that the person that *he* knows, because he does know, who went to the UK to undertake such a course, decided not to do it, got the job now in the interview board because he happens to be an active GSLP member?

**Hon. Dr J E Cortes:** Mr Speaker, I think that –

255 **Mr Speaker:** Will the hon. Members of the Opposition make themselves responsible for the information that they are imparting?

**Hon. D A Feetham:** I think that that is a surprising question from the Speaker –

260 **Mr Speaker:** It is not.

265 **Hon. D A Feetham:** With respect, it is a surprising question (**Mr Speaker:** No.) because the Opposition *always* takes responsibility for the accuracy of the points that they make. This line of questioning is obviously a line of questioning with a purpose, and I think that unless Mr Speaker has *prima facie* evidence that we do not know what we are talking about, I do not believe that Mr Speaker ought to be making that point.

**Mr Speaker:** It so happens that Mr Speaker is the Chairman of the Public Service Commission.

270 **Hon. D A Feetham:** Mr Speaker, I do not understand –

**Mr Speaker:** No, No. I will say nothing further on the matter. I am just saying that it is a principle enshrined in the Rules and which I am glad to hear, from what the Leader of the Opposition says, that hon. Members of the Opposition make themselves responsible when they give information along the lines of the information that we have heard today. I am glad to hear that they make themselves responsible and that therefore, in their view, that information is accurate. That is all I want to say.

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280 **Hon. D A Feetham:** Absolutely. We hold ourselves responsible for the accuracy. This is the first time... I have been a Member of this House since 2007 and I am not the oldest Member of this House, but it is the first time that I have ever heard a Speaker make a point like that about accuracy when my hon. colleagues are pursuing a line of questioning on the basis of information that they have.

285 We would never... nobody in the Opposition would be asking any questions if we do not make ourselves responsible for the accuracy and Mr Speaker, if Mr Speaker has information that casts doubt on the accuracy of our line of questioning, and Mr Speaker, well look, he can tell us that our line of questioning is inaccurate because he sits in the Public Service Commission and he knows it is inaccurate, but I doubt very much that Mr Speaker can actually go that far.

**Mr Speaker:** I am making the point because the information that has been imparted to Members of the Opposition is apparently not available to the Minister.

290 **Hon. Dr J E Cortes:** Mr Speaker, if I may just comment?

The implication from the hon. Member is that I misled Parliament. I have no knowledge of any course taken or not taken by the applicants. I believe that what I do know is that the three successful applicants are extremely good professionals – every single one of them. Whether or not they are activists of any particular political party is not relevant to whether they are good nurses or not.

295 I can assure you, Mr Speaker, that if that board selected them, they are excellent nurses, and I can confirm it was a board which was referred to the Public Service Commission and therefore is completely out of any influence from me as a Minister. (*Banging on desks*)

300 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister perhaps inform this House as to whether the decision to go from one to three charge nurses was a decision that was taken before the recommendation of the board and after the advert, or was it after the recommendation of the board?

305 **Hon. Dr J E Cortes:** Mr Speaker, I have not got the time line in front of me. I have answered the question I was asked: how many applicants and who was successful? I have answered part one because I can. I cannot answer part two. I do not have a timeline in front of me and so I cannot answer that question.

310 **Hon. D A Feetham:** Mr Speaker, but, of course as the Minister responsible, does he not agree with me that it is rather odd that here we have a highly... he described it as a 'highly specialised' service, and those are the words that he used in answer to my Hon. Friend, Mrs Ellul-Hammond...? Now, bearing in mind that this is a highly specialised service and he being a thorough Minister as I know that he is – I mean I have every respect for him – that in a planning situation in a highly specialised service, does he not agree with me that it is odd that we have a situation whereby there is an advert for one charge nurse, and lo and behold, at some stage we do not know when, whether it is before the recommendation of the board or after the recommendation of the board, it then goes from one to three people being taken on? Does he not agree that at the very least what it illustrates is a lack of planning in relation to a highly specialised service, as he has described it?

320 **Hon. Dr J E Cortes:** On the contrary, Mr Speaker, I think it shows that one is able to take advantage of situations. If a selection process was ongoing, then that is an opportunity to be taken so as not to delay things and it is absolutely identical, I repeat, Mr Speaker, except that instead of an addition from one to three, it was one to two – an identical situation which arose back in 2006, which nobody batted an eyelid about. So there is no precedent. This is something which has happened before. (Interjection) Sorry – there was a precedent there.

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330 **Hon. D A Feetham:** Well, Mr Speaker, yes, I do not dispute that in the past there may have been a situation where there has been... After the recommendation of the board, the report, for example, has recommended that there are two people that are highly, that are very, very good for this particular post and there is a policy decision taken at that stage to take two people. But you see that is very unusual and what we have here is an advert that has gone out for one and then ultimately three are taken on.

One always gets very good high quality applicants because the nature of our Civil Service is the fact that there are very good people, but one would have thought that in a highly specialised service, such as this one, that it would have been effectively demand led from the very beginning. One looks at what do

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Here the decision has been taken that we need one and then ultimately – we do not know when the decision was taken, whether before the recommendation of the board or afterwards – it is then three. Does not the Hon. Minister think that is unusual?

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**Hon. Dr J E Cortes:** It is unusual in the sense that it has happened twice, but it is not the first time it has happened. But nevertheless it was an opportunity clearly that the management took in order to be able to improve the service and take advantage of the fact that the procedure was already in motion.

345

**Consultants' contract  
Details of negotiations**

**Clerk:** Question 817, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say who is dealing with negotiating the Consultants' contract and at what stage of progress are we in the process?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the GHA is negotiating with UNITE the Union as they represent the majority of consultants. The negotiations are going well.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that John Langan and Ernest Lima are still dealing with the negotiation of the consultants' contract?

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**Hon. Dr J E Cortes:** Mr Speaker, Mr Langan and Mr Lima are dealing on behalf of the GHA with the negotiations of the consultants' contract. Let me just add that they both finish their term... well, Mr Langan, who is the interim Chief Executive, Mr Lima was an advisor, and Mr Langan has continued leading because he committed himself when he took on the job to complete these negotiations, but since he finished at the end of August he has been doing this on a *pro bono* basis.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, seeing that the negotiations for this contract has been for over a year and a half, when will it be completed?

**Hon. Dr J E Cortes:** When an agreement is reached, Mr Speaker.

375

**Promotion of sexual health  
Department's policy**

**Clerk:** Question 818, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, with reference to the Government press release number 861/2013, can the Minister for Health say how sexual health will be promoted, in addition to the Minister's plans to publish HIV and AIDS statistics?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Public Health Department has developed a Health Improvement Strategy for Gibraltar, which includes sexual health as one of its key priorities for the next two years. The following are some of the initiatives that will be progressed within this programme area: (1) supporting education about sex and relationships in schools and youth settings; (2) providing access to good quality advice for all persons on sexuality, family planning and sexually transmitted diseases; (3) campaigning to reduce the prevalence of teenage pregnancies in our community; (4) supporting the establishment of a nurse-led sexual health clinic; (5)



encouraging access to HIV and STD testing for people who may be at risk; (6) improving the collection of anonymised local data to inform sexual health strategies; (7) producing relevant printed material.

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In this, the GHA will continue to work with community groups, such as the Equality Rights Group, with which regular meetings have been held during the past two years.

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**New Mental Health Unit  
Opening date**

**Clerk:** Question 819, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister for Health said in his Budget Statement of 2013 that the new Mental Health Unit would be ready in October or November. Can the Minister advise when the facility will now be opening?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the unit has been subject to the delays typical of the construction industry; it is now due to open in spring 2014.

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**Hospital referrals  
Patient costs**

420

**Clerk:** Question 820, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Written Question 135/2013, can the Minister for Health say (a) why there are no figures for April 2012 and June 2013 and (b) why the cost for sending patients to Xanit have more than doubled per month since September 2013?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there are no figures for April 2012 and June 2013 because the bills for the months in question were paid on the following month. The costs for sending patients to Xanit have increased because a number of procedures that used to be referred exclusively to the UK are now performed in Xanit. This reduces the inconvenience of families travelling to UK and makes visiting of relatives easier.

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The increase in referrals to Xanit has also coincided with a decrease in referrals to Spanish State Hospitals, due to long waiting times currently existing in the Spanish *Servicio Andaluz de Salud* system, which have worsened recently. In addition to this, there have sadly been a number of exceptional cases this year, which have involved long stays and expensive care.

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

Can the Hon. Minister say then if the service that was offered in the UK has now been... is being offered at Xanit, has there been also a reduction in the payment to the Department of Health for this sponsored patients' service as a consequence of the increase in payments to Xanit?

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**Hon. Dr J E Cortes:** Clearly, Mr Speaker, if we are spending the money in Xanit, that money will not be spent in the UK; however, because of the fact that this is totally unpredictable, there could be other cases going to the UK and therefore you will not necessarily see a corresponding decrease. What there has been is a considerable decrease in referrals to other Spanish hospitals, particularly, as I said before, Spanish state hospitals, because of increasing waiting times in particular, which have got worse in recent months and over the past year.

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I can say, however, that whereas there is an increase in referrals to Xanit, the total number of referrals to Spain was slightly down in 2013 or the first 11 months of 2013 in relation to 2012; but this is something that is not totally predictable. This is demand led and we are not going to refuse treatment to a deserving patient for reasons of this nature.

But globally I think I do have to point out one thing I said earlier, that it only takes one or two particularly difficult cases which have expensive care to make these figures rise considerably. It may be just one or two and so you cannot really relate it to the *number* of patients.

455

**Transportation of patients to hospital  
Use of new ambulances**

**Clerk:** Question 821, the Hon. Mrs I M Ellul-Hammond.

460

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if there is any truth in the rumour that a motorbike and its owner were transported in one of the new ambulances; and, if so, can the Minister provide details to Parliament?

465

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no sir. For the avoidance of doubt what I mean is that there is no truth in the rumour, not that I cannot say. There is no truth in that rumour.

470

**Gibraltar Medical Registration Board  
Transfer of UK powers**

475

**Clerk:** Question 822, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the amendment to the Medical Health Act 1997 to provide for the compulsory registration of allied health professionals, can the Minister for Health say how will the powers of UK Governing Bodies be transferred to the Gibraltar Registration Board for the overseeing and policing of the ongoing requirements health professionals need to meet?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the amendment of the Medical and Health Act 1997 at long last establishes the Gibraltar Medical Registration Board as a regulatory authority for allied health professionals in Gibraltar.

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The law requires that the assessment of the qualifications and competence of the professionals is carried out by the respective UK regulator and not by the Gibraltar Board. Furthermore, any requirements laid by the UK regulator on maintenance of professional standards, continuous professional development or revalidation will be directly monitored by the UK regulator and impact upon Gibraltar *only* if registration is affected in consequence.

The UK regulatory bodies, in addition, have powers to oversee and police their registrants wherever they may practice. The Gibraltar Medical Registration Board will play a supportive role in this function.

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Complaints or allegations of poor practice made to the Gibraltar Board regarding allied health practitioners practising within Gibraltar will be investigated locally; and, except where the complaints are wholly frivolous, the Board will notify the respective UK regulator, who may choose to invoke its 'Fitness to Practice' procedure. Decisions arising from the procedure will be binding on the practitioner in the UK and inasmuch as they impact on the petitioner's registration, by consequence, also in Gibraltar.

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In addition, the Act also provides the Gibraltar Board with a range of powers to take independent action, which would be binding on registered practitioners within the territory of Gibraltar.

505

**Culling of seagulls  
Duties of FERA and GOHNS**

**Clerk:** Question 823, the Hon. J J Netto.

510

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the discussion alluded to by the Minister at the Committee Stage of the Appropriation Bill 2013, regarding extending the duties carried out by FERA to GOHNS in relation to the culling of seagulls have now concluded, and if so, provide Parliament with details of the agreement?

515

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no, sir. They have not been completed.

520 **Hon. J J Netto:** Could the Minister perhaps elucidate as to why they have not concluded. Is there any sticking point, in terms of coming to a final agreement? I do recall that his comments at the Appropriation Committee Stage of the Bill, the Minister was saying that his intentions were to absolve the work being carried out in the past by referring to GOHNS. So perhaps if he could elucidate as to what the sticking points are in that discussion.

525 **Hon. Dr J E Cortes:** Mr Speaker, there are no sticking points. The discussions are still ongoing. It is a... I was going to say complex, but it is not a simple matter and the Department is dealing with it, with a view to implementing by the time the spring comes, which is when these measures need to be more effective.

530 **Hon. J J Netto:** So is the Minister envisaging a situation whereby after spring FERA will not carry out any further duties?

535 **Hon. Dr J E Cortes:** That is what I said at the time and that continues to be the situation at the present.

**Hon. J J Netto:** So in order to be able to carry out such duties in the future, will there be an extra amount of cost, or will the size of the budget for GOHNS increase accordingly?

540 **Hon. Dr J E Cortes:** Mr Speaker, the budget for the visits from FERA, I think was in the region in one year of close to £200,000 and another year £200,000 for people to come from abroad for six weeks, to carry out work, which local people were doing for much less over a period of a whole year. So therefore there is no intention to follow that practice. The intention is to use the expertise that is available in a more economically efficient way. I do not believe that the costs will be equivalent and certainly they will not be for a six-week period, they will be for a 52-week period.

545 **Hon. J J Netto:** Which will mean, therefore, an increase in the number of people dedicated within GOHNS for the culling of seagulls.

550 **Hon. Dr J E Cortes:** Mr Speaker, I am not going to publicly conduct the negotiations with any organisation here. We are looking at the way in which the work that was being done by FERA is going to be done in the future. Some of the work being done by FERA at the time probably did not need to be done, as I expressed at the time to the then Government of the time. But I am not going to go into details of discussions which are ongoing because it could compromise their outcome.

555

**West Place of Arms  
Criteria for selection as dog park**

560 **Clerk:** Question 824, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the written answer to Question W136/2013, can the Minister for the Environment state what has been the criteria for selecting the West Place of Arms as a dog park?

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

570 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the area was selected on the advice of the Gibraltar Responsible Pet Owners Group. Consultation with the Gibraltar Heritage Trust and the Heritage Division confirmed that the proposed use was consistent with heritage. This was later unanimously approved by the Development and Planning Commission.

575 **Gibraltar Cat Welfare Society  
Neutering of cats**

**Clerk:** Question 825, the Hon. J J Netto.

580 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 690/2013, is the Minister for the Environment aware that the Gibraltar Cat Welfare Society have been neutering cats for some years now; and if so, does the Minister know how many cats have been spayed on an annual basis?

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

585 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, I am aware. I am informed that 59 cats have been neutered this year, but I have not got any more information.

590 **Hon. J J Netto:** Does the Minister perhaps know whether this particular programme by the Cat Welfare Society will continue, because when I looked at their own website, it did not look to me like it was a function that was carried out every year. And as we have discussed in the past, here in Parliament, there is a need for a programme of this nature to be carried out, particularly in certain areas of Gibraltar, least to say the Upper Rock Nature Reserve.

So can the Minister perhaps inform the House whether this programme will continue into the future, either by them, or perhaps if they are not doing it, on a year-by-year basis by some other entity?

595 **Hon. Dr J E Cortes:** Mr Speaker, I am currently in discussion with the Cat Welfare Society to see how this programme can be continued.

**Clerk:** Question 829...

600 **Hon. D A Feetham:** Does the Hon. Minister have an idea of numbers of cats? Is there an effort to monitor the number of cats – the rise in population or decrease in population of cats? He knows that I live in the Upper Rock and my children have already adopted three kittens, I can tell him, that have been abandoned and there appears to me to be an increase in the number of cats. I mean, I do not know. I am just talking from my own experience of seeing them in the Upper Rock myself.

605 But is there a conscious effort on the part of the Government to basically monitor the numbers so that this particular problem can be kept on top of, because of course, as we all know, they are really wreaking havoc with wildlife in the Upper Rock in particular?

610 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we are attempting to monitor certain key areas to see whether we can have an idea of the cat population, but there is no data. So at the moment we can only guesstimate, but we are trying to monitor in the Upper Rock.

615 **Hon. D A Feetham:** And, Mr Speaker, is he satisfied that the neutering of the number of cats that they have neutered – I think he indicated 59 – that that is going to deal with the problem? How long does he think that it will take before it will deal with and keep the population of cats within manageable proportions and certainly within numbers that will not cause significant damage to wildlife in the Upper Rock?

620 **Hon. Dr J E Cortes:** Mr Speaker, the figure I gave is a figure provided by the Cat Welfare Society and so it is not that the Government has been... as far as I know it never has been, although it does and has supported the Cat Welfare Society in carrying out this work, it has not done it directly and 59 neutered cats will not solve the problem in the Upper Rock... so, no.

625 **Hon. J J Netto:** Mr Speaker, just by way of providing information, I have just seen on the Cat Welfare Society's website, from a report published in 2007, that they say, and I quote:

'Over three years the Society has captured, sterilised and released 1,190 cats on the Rock.'

630 So perhaps that is some of the work they have done in the past. Obviously my concern is if that kind of progress can be maintained and some of the answers have already been provided by the Minister.

635 **Culling of cats  
Monthly numbers**

**Clerk:** Question 826, the Hon. J J Netto.

640 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 691/2013, can the Minister for the Environment provide the monthly numbers of cats culled since 11th December 2011, as asked for, but not given.

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

645 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the number was given as an average, which mathematically is the number of cats culled per month and therefore the question was correctly answered. I now have to assume that rather than the monthly number, the hon. Member wishes to know the number per month. This information is provided in the schedule I now hand over.

650

**Answer to Question 826/2013**

**Cats Culled**

Month	2012	2013
January	0	0
February	3	0
March	0	0
April	0	0
May	14	2
June	0	0
July	0	23
August	0	6
September	1	15
October	7	3
November	4	0
December	0	0

**Average** =  $78 \div 23 = 3.4$

655 **Hon. J J Netto:** Well, Mr Speaker, as the information may come now, but just to point out that if he goes to my Question 691, it asks the number of cats culled on a monthly basis. So I was right and he was wrong interpreting my question, but I will see the figures now.

**Hon. Dr J E Cortes:** Mr Speaker, I do not think I need to comment on that.

660 **Hon. D A Feetham:** He has very kindly provided a schedule and the culling appears to be really focused on three months in 2013: 23 in July; 6 in August; 15 in September. Then there are two other figures of 2 for May and 3 for October, but the rest is zero. There is a similar pattern also in 2012.

665 Can he explain this particular pattern of why there does not appear to be an even spread over months? It does appear to indicate that really there is no systematic programme spread over a year to deal with the question of feral cats by way of culling, which is one of the ways that obviously the Government, rightly in our view, is dealing with this particular issue.

670 **Hon. Dr J E Cortes:** Mr Speaker, we are talking about the cats here in urban areas and the way that this has been done in the past, and this was I think explained in my answer last time around, which although was converted to a written answer, because it was converted to a written answer there will not be a recollection of a discussion.

675 These cats have been culled as a result of a contract dating back to 2005, but the way that it has been operating for a number of years is that the cull has been activated by requests from the public, complaining about fleas or some other problems and it has been a result of that. Therefore when there has been a complaint, then the cull has been activated and therefore you will see this pattern, that suddenly there is culling and then it stops again.

680 The practice has been that it has been on the request of members of the community. Needless to say, there are those in the community who are not in favour of culls and I obviously recognise that as well. But the explanation of these stop and start figures is that they are following requests from members of the public.

**Hon. D A Feetham:** Mr Speaker, there are two points that arise from the answer that the hon. Gentleman has given and I am very grateful for it. One of them is that these are culls that have taken place in urban areas; the second is that it is a response to a request from members of the public.

685 Does he not agree with me that it does appear from that particular answer that really there is no systematic plan in terms of... that culling does not form part of the Government's plan to deal with the issue of feral cats in the Upper Rock, which he and I both recognise is wreaking havoc with wildlife, and in particular with an iconic species of Gibraltar, which is the Barbary partridge?

690 Can he explain why the issue of culling or culling as a legitimate form of control of feral cats has not been taken to the Upper Rock so that we can control the cat population there?

**Hon. Dr J E Cortes:** Mr Speaker, I think we have to distinguish the situation on the Upper Rock with that in urban areas. We must remember that there are those in urban areas who actually feed cats, and you may agree or disagree with them, but they are there, the people who do that, and who are very sensitive towards that; something that, as I say, whether you agree with it or not, you have to recognise... they are also members of our community.

695 The Upper Rock is a different issue. The way that the Upper Rock is being tackled is initially, as I said earlier, by monitoring and trying to determine what the scale of the problem is, particularly in areas which are more likely to have Barbary partridges, which are areas of more open ground rather than the dense vegetation. We are trying to build up a picture using a number of systems, which I can discuss later with the hon. Member opposite, to monitor, and then we hope to be developing a strategy to see how we tackle that so that the Barbary partridge can be protected.

**Hon. D A Feetham:** Can he give me a timeframe in relation to this, because we all recognise here that if we had a choice, you would not cull cats? That is the reality that one would not cull cats if one had the choice, but in a situation where they are impacting heavily on wildlife in the Upper Rock in particular, something as important to Gibraltar as the Barbary partridge, one would have thought that the Government would have perhaps been slightly more energetic in its attempt to get on top of the problem. Yes, because there is a sizeable population of feral cats in the Upper Rock.

705 So can he give me a timetable of when he thinks that perhaps the Government is going to be moving towards the Upper Rock in trying to cut down the population of feral cats in the Upper Rock that is causing such a problem with wildlife there?

**Hon. Dr J E Cortes:** Mr Speaker, we are in danger of having a really long discussion on Barbary partridge management, and I am happy to have that, but I do not know whether the rest of the Members particularly want to hear it.

715 There are a number of things here. Firstly, there is no way that no matter how much you do you are going to remove the full population of feral cats on the Upper Rock; therefore you have to concentrate on those areas where you want the partridges to do well, which means you concentrate on the areas which are better habitats for the partridges.

720 So what we are doing is we are in fact creating a new Barbary partridge habitat. We are monitoring those areas. We are in the final stages of acquiring Barbary partridges from Morocco and we want to time it in such a way that when we release these partridges, we are actually not releasing breakfast for cats. So we are timing it quite tightly and a lot of things have to slot in before we are ready to go.

725 **Hon. D A Feetham:** So just following on from that – this is my last supplementary question on this – so effectively the Minister envisages, in that very tight timetable for the acquisition and release of Barbary partridges, that when he releases those Barbary partridges, that he will have substantially dealt with the problem of feral cats in the areas where you are going to be releasing the partridges. Bearing in mind as well, of course, that that begs the question... I mean you are not going to be releasing them in fenced out areas.

730 So if you have a very large population of feral cats in the Upper Rock, they are bound to be moving, for example, to the area of Windmill Hill, where I presume that is one of the areas where he is going to be releasing some of these partridges, but can he perhaps shed some light in relation to that or give that guarantee to the House?

735 **Hon. Dr J E Cortes:** Mr Speaker, I sense the enthusiasm of the hon. Member opposite, and I am sure that behind it all he is extremely pleased that I happen to be Minister for the Environment. (**A Member:** Absolutely.) (*Interjections*) Mr Speaker, I did not hear that, but I am sure it was quite funny.

740 Mr Speaker, the idea is that this will work and that we will be able to ensure the ongoing success of the Barbary partridge or the *renewed* success of the Barbary partridge. But I really think, Mr Speaker, that from a question on monthly numbers of cats culled in urban areas, if I may add, to a discussion on the management of Barbary partridges, is probably – with respect to the hon. Member opposite, and I am

745 very glad to know that he shares my keenness for the species – I think that is probably as far as we need to take it at this point in time.

750 **Air pollution**  
**ESG concerns**

**Clerk:** Question 827, the Hon. J J Netto.

755 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 700/2013, is the Minister for the Environment not aware of the ESG communiqué of 16th October 2013, in relation to the concerns of air pollution?

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

760 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, he is. Question 700/2013 asks whether the Department for the Environment had received reports of, and I quote:

‘persistent heavy air pollution associated with rotten eggs or sulphur smells’.

765 Mr Speaker, it had not. It had received four isolated complaints, which is precisely what I answered.

**Hon. J J Netto:** Mr Speaker, in the ESG communiqué of 16th October, they talked about persistent heavy air pollution in the area of Waterport Terraces, the South District and the Port. They also talked about talking to the Government, meaning probably the Minister for the Environment, and talking to the Department of the Environment in relation to raising their concerns on this persisting air pollution.

770 Has he now had that discussion with the Minister and the Department of the Environment in relation to their concerns?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, I have very regular contacts with the ESG.

775 In relation to roundabout the time when the ESG issued their statement, which was on 16th October, there had been an approach, which I have recorded here on that day, from the ESG to the Agency. The matter was relating to smells that had occurred on the previous day and so it was difficult to investigate that particular instance.

780 There was subsequently a report the following day, not from the ESG, which was investigated. It appeared that there was an issue with a ship that had come into port with ammonia; but ammonia does not smell like rotten eggs and so it was probably unrelated to the previous one.

Certainly, I am glad to say that the large spate of smells related to bunkering, which happened a few years ago, has not happened, and these continue largely to be isolated incidents.

785 **Upper Rock Nature Reserve**  
**Temporary closures of pathways**

790 **Clerk:** Question 828, the Hon. J J Netto.

795 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which pathways, green areas and walking routes in the Upper Rock Nature Reserve have been temporarily closed as a result of the comments made by the Minister of Heritage at the Heritage Trust AGM, in which he stated that what he saw were ‘death traps’?

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

800 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, as a result of continuing works to improve public access to the Upper Rock, works are ongoing in the Douglas Path/Mount Misery area, and access to a section south of the cable car top station has been closed off pending works.

This information is about a week old, Mr Speaker, and those works may have progressed since then. But, if you remember, we adjourned from last Thursday and I have not had the opportunity to check this morning.

805 **Hon. J J Netto:** Mr Speaker, just for the sake of clarification, is the Minister saying that this particular pathway that he is referring to was closed about a week ago? Is that what he is saying?

**Hon. Dr J E Cortes:** No, Mr Speaker.

810 There has been ongoing works in Douglas Path and what is known as 'Mount Misery'. Another section, which is south of the cable car top station, which is the other peak, so to speak, north of Mount Misery, has been closed off pending works. It is those works that I am not sure whether they have been carried out or not. The ones to Douglas Path and Mount Misery were ongoing when this answer was drafted and so they may well have been completed or will be nearing completion.

815 **Hon. J J Netto:** But in any case, what the Minister for the Environment is referring to is one particular pathway which has been temporarily closed. The impression that the Minister for Heritage gave, at the Heritage Trust AGM, was that there were many green areas and pathways in the Upper Rock Nature Reserve which were death traps. That is the impression, at least as quoted in the press.

820 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, if I may, since he is alluding to me, the fact is that what I said in the Heritage Trust AGM was that there was *one* place and that is Mount Misery, which is what my colleague is just stating. I can tell him for his peace of mind that I went there the next day, with a Health and Safety officer, and that is the place which is now blocked off for safety reasons. There is no pathway. There is no other place. It was just one specific place and that  
825 was blocked off. It is still blocked off until works are now done.

#### Waste disposal/management Government plans

830

**Clerk:** Question 829, the Hon. J J Netto.

835 **Hon. J J Netto:** Mr Speaker, further to Question 694/2013, can the Minister for the Environment state what will be the waste disposal options that the Government will embark upon, following the completion of the specialist report by Ramboll in January 2013, providing a timeline for the implementation of such policies?

840 Can I just add Mr Speaker, my understanding is that I gave notice of the question... I mean the deadline for the notice of the question was on Thursday, 12th December, and I believe the Government issued a press release on 16th December to the press, which is this one which I have got here, in a way that puts the position quite difficult because I am trying to ask a question for which already some of the answer may have been put on the public notice by the press.

845 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may answer that point first. We are talking about two separate documents. The question which I have, and I am about to answer, Question 829 refers to a report by Ramboll which was a report on waste management options for Gibraltar.

850 The Waste Management Plan, which is the one that the hon. Member referred to in his last comment, is the Waste Management Plan for Gibraltar, which is independent – totally independent. It is a completely different document and it is an EU requirement that had to be published by a certain date and we did meet the timeframe. So it is a completely different document, and one is only to do with the other in that they are both talking about waste, and that clearly, if we commissioned a report in January to talk to us about waste options, clearly some of that will be reflected in the Waste Management Plan, but it was certainly a completely different document and in no way will one have affected the answer that I am  
855 going to give you, which if I may, I will now proceed to give the formal answer.

860 Following completion of the Waste Treatment Options Assessment Report, undertaken by Ramboll in January 2013, Government resolved to invite tenders in the Official Journal of the European Union and local press for the design, build, finance and operation of a waste treatment facility. Government wishes to provide waste treatment facilities locally, with the aim of achieving the highest environmental standards in the treatment of its municipal solid waste and urban waste water treatment by-products, tyres and other bulky items.

865 Government's principal requirements for the waste treatment facility are the following: (1) a waste reception, sorting and storing facility for specific and separate waste streams; (2) a material recovery facility which will recover recyclable materials from the municipal waste stream; (3) a waste treatment plant of which technologies of advanced thermal treatment would be considered; (4) a facility capable of (i) generating electricity; (ii) and/or producing potable water; (iii) and/or producing biodiesel; (iv) and/or



producing syngas; (v) handling and treatment of ad-hoc waste; (vi) handling and treatment of saline sewage sludge.

870 The tender was advertised on 14th February. The tender stage has now closed. Government is currently reviewing the tender submissions and will be in a position to make a decision in the first part of next year.

875 **Hon. J J Netto:** Mr Speaker, does the Minister for the Environment have a timeline in relation to when they would like to see, at least tentatively in operation, the new waste treatment plant?

880 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible. This is something that is well overdue and something that this Government has taken on with great fervour. Clearly, we needed to have the consultant's assessment, which is the report that I referred to in January 2013, and then that was used to inform the tender process. The tender process is currently reaching its final stages and I would like to think, clearly it depends on what the different options are and what tenders are finally provided, but I would have thought that certainly, within this term of Government, we should see the waste plant operational.

885 **Hon. J J Netto:** I think Mr Speaker, with respect; I might have lost the last part of the words of the Hon. the Minister of the Environment. Did he give an indication as to by when the new waste treatment plant will be operative?

**Several Members:** As soon as possible.

890 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible, and my wish would be that it would be within this term of Government; but certainly it depends on the details of the selected tender.

895 **Hon. J J Netto:** So basically he is not in a position right now at least, whether it is in 12 months' time or 24 months' time.

Can I also ask the Minister what is the location as to where the waste treatment plant might be located?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, the intention is still to have it on the Governor's Cottage site.

900 **Hon. J J Netto:** Is the Minister perhaps in a position to tell the House what percentage of electricity may be able to be produced by this waste treatment plant at this moment or will he have to wait for the completion?

905 **Mr Speaker:** That cannot possibly arise from the original question.

#### Upper Rock Nature Reserve: A Management and Action Plan Implementation of recommendations

910

**Clerk:** Question 830, the Hon. J J Netto.

915 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which recommendations of the 'Upper Rock Nature Reserve, A Management and Action Plan' have been implemented since 9th December 2011, which ones the Minister intends to implement in the next 24 months, and which ones the Minister feels that he will not be able to implement and why?

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

920 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the recommendations that will be implemented for the Upper Rock Nature Reserve and the wider Gibraltar Nature Reserve will all be fully laid out in the upcoming management plan that is being drafted by the Department of the Environment in consultation with the relevant stakeholders.

925 In any case, there are some notable recommendations that have been put into effect since 9th December 2011, which include: (1) extending the boundary of the Nature Reserve to include other important habitats, such as the Great Sand Slopes, Windmill Hill, Jacob's Ladder and Europa Point foreshore; (2) clearing areas of dense vegetation within the reserve; (3) appointing wildlife wardens; (4) reviewing traffic flows in the Upper Rock as part of the Traffic Management Plan; (5) establishing a

930 Caves Working Group, along with monitoring cave biodiversity and protecting specific caves and tunnels in the Upper Rock, by means of grilles and fences; (6) facilitating and supporting the monitoring of bat populations in Gibraltar as part of the Gib-Bats Project –this has already resulted in a new species of bat being recorded in Gibraltar, namely the Isabelline Serotine bat; (7) improving paths in the Upper Rock; (8) continued removal of invasive species.

935

**Control of Barbary Macaques  
Access to Mount Alvernia**

940 **Clerk:** Question 831, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister of the Environment say if there are any permanent plans to avoid having Barbary Macaques entering into Mount Alvernia in the near future?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, management and staff at Mount Alvernia have been inducted in what measures they should take to discourage the monkeys. This includes ensuring staff and visitors do not provide food, making bins monkey proof and dealing with the scaffolding that has been in place for years.

950 **Hon. J J Netto:** Mr Speaker, can I just say that while the scaffolding has been there for many years, it is the case that the macaques are venturing into the homes more often, into the actual bedrooms of the residents there in Mount Alvernia, in frequent numbers, particularly lately. Whilst all the measures that the Minister has announced just now are positive steps in the right direction, it may not preclude the fact that macaques will continue to get inside the bedrooms of the residents.

955 For that particular aspect of the question, does the Minister not see that perhaps the staff in Mount Alvernia might need some extra help or resources, in conjunction with either the Department of the Environment or perhaps some other entity?

960 **Hon. Dr J E Cortes:** Mr Speaker, they are getting that. They are getting regular visits from the macaque team and being encouraged and advised on how to deal with this; so that is happening. There is constant contact.

965 The monkeys were attracted initially to fruiting trees in the gardens of the Mount and then discovered the bins and apparently people started to put food out for them, which is clearly something that we must all discourage. So the situation is being handled with the support of the team.

970 **Varyl Begg Estate  
Pigeons culled in last six months**

**Clerk:** Question 832, the Hon. J J Netto.

975 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 696/2013, can the Minister for the Environment say how many pigeons have been culled in the last six months in Varyl Begg Estate?

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

980 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, four pigeons have been culled in Varyl Begg Estate in the last six months.

985 **Hon. J J Netto:** Mr Speaker, the reason why I am raising this particular question is because I have had representations being made to me by tenants of Varyl Begg Estate. In fact, I have taken the trouble myself of taking some pictures of the amount of pigeons, and I would say not just in the Varyl Begg Estate, because the whole area that is being affected by all this is, is practically the whole of the west side of Gibraltar. There are literally hundreds and hundreds of pigeons just flying around that particular area of Gibraltar.

990 Could I ask the Minister, on behalf of the tenants in Varyl Begg Estate, whether a particular effort could be made to tackle this over population of feral pigeons in that part of Gibraltar?

995 **Hon. Dr J E Cortes:** Mr Speaker, I am glad that the hon. Member has said that pigeons fly, because I thought that he had forgotten that fact, and the fact that four have been captured in Varyl Begg Estate does not mean that those that have been caught elsewhere are not ones that also frequent Varyl Begg Estate. They do fly between areas and therefore you cannot say that only four of the ones that use Varyl Begg Estate have been culled.

This is a concern. There is a large number of feral pigeons, as there have been for many years, and this is something that my Department is addressing with a view to introducing a programme which will be able to tackle this.

1000 **Hon. J J Netto:** Mr Speaker, can I invite the Minister, perhaps, to give some details of the particular programme he envisages will be implemented?

1005 **Hon. Dr J E Cortes:** Yes, before I do that, Mr Speaker, I will refer to my answer last time, which was that there have been 1,347 pigeons culled overall, so it is not that nothing is happening. Increased deployments to a number of areas in order to be able to attempt to bring the population down and also we are considering whether the feeding of pigeons is something that should be tackled as to whether or not that should be illegal.

1010 At the moment it is, in the sense that if you put out food, you are putting out litter, but there is not any specific targeting of the feeding of pigeons. Particularly in certain areas, like, for example, happened in Trafalgar Square, where it was made contrary to regulations, local regulations, to feed them in Trafalgar Square, it may be that we need to look at that, and that is something that is being looked at.

1015 **Importation of trees and turf from Italy and UK  
Carbon footprint cost**

**Clerk:** Question 833, the Hon. J J Netto.

1020 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing 140 trees from Italy for the Commonwealth Park, compared to a closer jurisdiction, such as Portugal or Spain?

1025 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 834.

1030 **Clerk:** Question 834.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing turf from the UK for the Commonwealth Park, as compared to a closer jurisdiction, say Portugal or Spain?

1035 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the trees for the Commonwealth Park were purchased from Italy because Italy is the main producer of quality trees in the Mediterranean.

1040 It was absolutely essential for the establishment and success of the park that trees were purchased from the most reputable and reliable source possible. Trees are distributed throughout Europe from Italy, so that, for example, many of the trees that are used for landscaping in the UK arrive from Italy, either directly or indirectly, via Germany and the Netherlands. In fact, some of the best trees that are sold in Iberia are purchased in Italy and grown on in Iberia. So that purchasing closer to Gibraltar does not necessarily reduce the total distance of journeys for the trees.

1045 The trees for the park arrived from Pistoia, Italy, in five articulated lorries. The carbon footprint for the journey will have been about an estimated 29 tonnes. This is offset by the estimated amount of carbon sequestered by the trees so far, which given their sizes is about 103 tonnes. This offset would also cater for the higher quality turf being imported from the UK, about 28 tonnes, rather than a closer jurisdiction.

1050 The expertise that Italian growers have in packing these trees into lorries – 140 trees in just five lorries – means that although the distance covered is of course significantly greater, a larger number of lorries are likely to have been used had the trees been purchased in Portugal or Spain.

1055 It is doubtful, furthermore, that trees purchased in Iberia would have approached these Italian trees in quality, size and health. These factors would of course affect future growth and longevity positively, both of which will of course enhance future carbon sequestration.

1060 When all of these factors are taken into account, it is highly unlikely that there would have been any reduction at all in carbon footprint had these trees been purchased in Iberia. Quite apart from this, there is of course a net gain in carbon sequestering as a result of the new park, regardless of the trees provenance, so the park reduces Gibraltar's carbon footprints.

**Hon. D A Feetham:** Mr Speaker, what about financial cost? Before the Hon. Minister or Members of his staff went out and ordered these trees, was there an investigation of prices elsewhere in Spain, Portugal, or closer to home, where it might have been cheaper to purchase these trees?

1065 At the end of the day, I understand that it is always desirable to obtain the best possible quality, but when you are in Government, one balances the cost of best quality with obtaining reasonable quality at a lower cost that turns out to be better value for the taxpayer.

1070 **Hon. Dr J E Cortes:** Mr Speaker, I am sure I cannot detect anything behind the words of the Hon. Leader of the Opposition which may suggest that he would rather the trees died, and therefore that we got less quality trees. *(Laughter)* I say this, apart from the intention of perhaps making it a more jovial tone today, it is after all two days before Christmas, because clearly we need to have quality if this is going to be a park that will stand the test of time.

1075 It was not asked and so I do not have a cost for the trees, in particular, with me, but clearly they are the best trees available in the Mediterranean and the long-term cost benefit of acquiring these trees is something that is absolutely clear.

## 1080 ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

### Job vacancies offered to employed persons Government's policy

1085 **Clerk:** Question 806, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, can the Minister for Employment state whether it is the Government's policy not to offer vacancies to those in employment?

1090 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, as this House has been told previously, the majority of the vacancies open since 2011 have been filled by persons who were not registered as unemployed.

1095 **Hon. D J Bossino:** And presumably the answer is that it is in the Government policy, given that on the ground, according to what the Minister is saying, it is not happening.

1100 **Hon. J J Bossano:** Well, Mr Speaker, it follows, as night follows day, that if the vacancies had not been opened to everybody, then it would not have been possible for the vast majority of them to have been filled by people who were not registered as unemployed.

Clearly, every time that somebody who is employed already gives up a job in the private sector and takes up a job in the Government, the unemployment figures do not go down, but there is nothing I can do about it.

1105

### Definition of 'disabled' Government review

1110 **Clerk:** Question 807, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government say when the definition of 'disabled' will change to ensure that all those who suffer disability, at whatever stage in their lives, will

1115 be entitled to disability benefits, what criteria will be used to define disability and at what stage is Government in the review of disability in our laws?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1120 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Government is in the process of establishing clear and objective criteria to address the problems faced by those who become disabled, but were not born with a disability. This will be completed within the lifetime of the Parliament.

1125

**Leisure Construction and Maintenance Company Limited  
Number of employees**

1130 **Clerk:** Question 808, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can Government provide details in respect of the number of employees who may have been employed since the answer provided to Question 650/2013 by Leisure Construction and Maintenance Company Limited, broken down by grade, age, gender and nationality?

1135 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, none have been employed since the answer to Question 650/2013.

1140

**Health and Safety  
Provision of November 2013 statistics**

1145 **Clerk:** Question 809, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide the November 2013 statistics to Parliament of Health and Safety, as these were unavailable on the Government website when the deadline to hand in the Opposition's Questions to Parliament expired?

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**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I now hand over to the Member the information required.

**GIBRALTAR PARLIAMENT, MONDAY, 23rd DECEMBER 2013**

Table HS.1

**Monitoring Activities, 2013**

Industry Sector	November							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	3	9	2	12	4	-	4	34
Education	-	-	-	-	-	-	-	0
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	1	-	-	-	-	-	1
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	0
Medical & Health Services	-	-	-	-	-	-	-	0
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	3	-	-	-	-	-	-	3
Repairs Consumer Goods	-	-	-	-	-	-	-	0
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	1	1	-	-	2
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	2	-	-	-	1	-	-	3
Shipbuilding/Marine Repairs	-	-	-	1	-	-	-	1
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
<b>Total</b>	<b>8</b>	<b>10</b>	<b>2</b>	<b>14</b>	<b>6</b>	<b>-</b>	<b>4</b>	<b>44</b>

Updated 1 December 2013

**Occupational Reportable Accidents, 2013**

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

Updated 1 December 2013

Table HS.3

**Enforcement Activities, 2013**

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

Updated 1 December 2013

Table HS.4

**Number of times legal advice has been sought during the month in relation to the number of inspections conducted, 2013**

As at	Advice
November 2013	-
<b>Total</b>	<b>-</b>

Updated 1 December 2013

Source: Ministry of Enterprise, Training, Employment and Health & Safety

Table HS.5

**Reasons for Factories Inspectors issuing Improvement and Prohibition notices, 2013**

As at	Industry Sector	Improvement Notices	Prohibition Notices	Reason
30 November 2013	Construction	1	-	1. Failure to have a supply of clean hot and or warm, water; 2. Failure to have adequate and sufficient lockers and changing rooms.

Updated 1 December 2013

Source: Ministry of Enterprise, Training, Employment and Health & Safety

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**Mr Speaker:** The supplement is rather lengthy. Could I suggest that we go on to the next question and the hon. Member can come back and ask supplementaries when he has studied the information? Okay.

**Hon. J J Netto:** It will not be necessary, Mr Speaker, because subsequent to the closing date, it is on the website. So I have got it here with me, so I can ask the supplementary question straight away.

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Mr Speaker, could I ask the Minister for Health and Safety, because I have been looking at one of the tables in particular... I am referring to the table for monitoring activities and I do not know whether he has got it in front of him – monitoring activities for the month of November we are talking about – and I can see that there was a total of 44 activities, which are later broken down by each particular component. But of the total of 44, 34 correspond to the construction industry. Now the construction industry is just one industry group of 21 within the labour market, and that represents 77% of the total amount of monitoring activities for the month in November of the total. Could the Minister perhaps give an explanation why this unusually high figure of 77% is dedicated just on the construction industry?

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**Hon. J J Bossano:** Yes, Mr Speaker, I can give him the same explanation that I gave him the last time he asked an identical question, which is that construction activities take place in sites that stop being work places when the work is completed and open up new sites. Whereas if he looks at the rest, it is all inspections of permanent places of shops, retail trade and road transport. In all those cases the place to be inspected is inspected and if the inspectors do not find anything wrong, they do not have to keep on coming back.

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But in the construction sector, you can have one construction company and they are opening new sites every month and completing work on other sites. The pattern is the pattern that is normal, has always been there, and it is explained by the fact that construction companies are mobile from site to site, but shops are not, they are always in the same place.

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**Hon. J J Netto:** Yes, Mr Speaker, I do accept part of the answer given by the Minister, in the sense that construction sites are mobile and therefore the Health and Safety Inspector will want to inspect every, perhaps, new particular site that emerges in a particular construction; but the fact is that the figures are simply disproportionate. (*Interjection*)

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When you look at it in the month you have a total of 77% of the time dedicated to monitoring to that particular industry group. There is – and I have done an exercise myself and I do not want to go into a lengthy explanation here because it is Question Time – a particular industry group in the whole of this year which has not had one single inspection at all within the labour market. It just shows that there is a disproportionate amount of time dedicated only exclusively... well, I would not say exclusively, but *mainly* on the construction industry, to the neglect, perhaps, of other industry groups.

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Can I ask the Minister, because it is Question Time, whether he can discuss this with his own officials in order to see that other industry groups have some attention as well, because at the moment they are not having any attention at all?

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**Hon. J J Bossano:** No, Mr Speaker. I will not do that because I do not think it is my job to tell the Health and Safety Inspectors how best to conduct the activities that they are required to conduct under the law. I do not think that I am qualified to tell them that the amount of time that they spend going to a construction site is disproportionate. I do not know if that was the practice before 2011 and I will find out if it was, but it is certainly not the practice now and I do not intend to introduce it.

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**Hon. D A Feetham:** Well, Mr Speaker, and I see the Hon. the Minister for Financial Services laughing. It is not a laughing matter –

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**Minister for Financial Services and Gaming (Hon. A J Isola):** I was laughing at you!

**Hon. D A Feetham:** The reality is that the Hon. Mr Netto has pointed out that there are industry groups that have not received any visits from inspectors at all. He may not give instructions to inspectors as to who to visit or who not to visit, but ultimately he is politically responsible if inspections are not being conducted with the efficiency that they ought to be conducted, and that there are industry groups that are being, effectively, neglected or not being inspected.

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Does he not believe that that is a matter of concern? At least will he not undertake to go back and to actually look at the split, in terms of industry groups of inspections, and if there is a particular problem by way of neglect of a particular sector, that perhaps he ought to have a word with his inspectors and at least ask why it is that these industry groups have been neglected or there were no inspections in relation to them?

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**Hon. J J Bossano:** No, Mr Speaker. I will not do any of that because I do not think that just because the hon. Member opposite gets it into his head that there is a huge neglect of people who are at serious risk or small risk or any risk at all, when there is overwhelming evidence that the vast majority of accidents at work happen in areas, like the construction industry, where people are at risk and it is quite

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1220 obvious that the level of risk that takes place in... simply because anybody that has been at work knows that in an office with lawyers, is not the same as when you are going up scaffolding on a building site. So clearly, the inspectors, who know their job and are professionals, are doing the work in the way they think is more efficient.

1225 Let me say that this new interest in Health and Safety is surprising, when in fact I made public recently the fact that there is a requirement in the 1996 Regulations that every single entity in Gibraltar should produce a risk assessment and keep a record of places where there are more than five, and the Department had no evidence that that had been complied with. In fact, I am now in the process of ensuring that in areas where it has not been complied with, after somebody approaches the employer to find out if it is there, if there is a record, it will be done. I have given a public commitment that every  
1230 single employer will have a risk assessment required of them, as the law states, within a year.

I do not think that there is more that can be done to do what is the basic thing, which is to do a risk assessment. When that has not been done, surely the risk assessment that is going to be done over the next 10 months will show us whether there are other areas that potentially we should be devoting more attention to.  
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**Factory Inspectors  
Reason for seeking legal advice**

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**Clerk:** Question 810, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer given to Question 704/2013, can the Minister for Health and Safety say for what reason or reasons did the Factory Inspector seek legal advice in the month of October?  
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**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the legal advice pursued by the Inspectorate was on how to proceed after an improvement notice issued to GFI was appealed.  
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**Hon. J J Netto:** Was this improvement notice issued in September?

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**Hon. J J Bossano:** I believe it was.

**Hon. J J Netto:** And was the reason for the legal advice because the employer, in this particular case, was not putting right, basically, what the Factory Inspector had placed in the improvement order?

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**Hon. J J Bossano:** Well, as the original answer states, Mr Speaker, if the employer in question gave notice of appeal, it follows logically that he did not agree with the assessment of the Inspectorate and that is why he was going to appeal.

In actual fact, when the matter was referred to the Attorney General for advice, the Inspector went back to GFI and they agreed to comply with the Inspectorate and it did not go any further. But if it had gone to appeal, the Inspectorate needed the assistance of the Legal Department on how to deal with the appeal.  
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**Hon. J J Netto:** I am not sure whether I have understood the Minister correctly. Is he therefore saying that while they have been seeking legal advice, the actual works have not progressed on site, or they have progressed on site? I was not clear there.  
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**Hon. J J Bossano:** If somebody gets told to do something in his workplace to change something and he decides to appeal, then it means that he does not accept that what he is being asked to do has to be done. I am telling him that that is why the Inspectorate appeals are very, very rare. The Inspectorate then went to the AG's Chamber to say, 'Well, look, these guys are resisting, what needs to be done. They are going to go to appeal, so how do we deal with it?'  
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I am also telling him, although he has not asked me, that in practice, after that step was taken, and they went back, the company concerned changed its mind and decided not to proceed with the appeal, and complied with the order.  
1280

HEALTH AND THE ENVIRONMENT

Artificial reef

Reasons for location and timing

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**Clerk:** Question 835, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please explain why the Government laid the artificial reef in the area that it did, at the time that it did?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I am answering on the creation of the artificial reef as this was an environmental measure, co-ordinated and managed by my Ministry.

The location of the artificial reef is paramount, as this will largely determine the success of the prospect – (**A Member:** Project.) sorry, of the project... I apologise Mr Speaker – as this will largely determine the success of the project so that it will enhance the area's marine environment.

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More specifically, the north-west artificial reef was laid in this area for the following reasons: (1) sea grasses were prevalent in the area as documented by experts in scientific journals, but these had been destroyed by fishing activities, particularly raking. The design and layout of the reef has been done to facilitate the planting of sea grasses; (2) the seabed is of a sandy composition. The Department of the Environment had been continuously monitoring the water sediment and biological conditions of the site, which proved to be suitable for the creation of an artificial reef; (3) the area is not a shipping lane or military exclusion zone; (4) it is an area within British Gibraltar Territorial Waters, which provides no negative environmental impact, but maximum environmental gain.

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The reef, being in sheltered waters is the ideal location to: provide a spawning area for fish and marine life; provide an area for the re-colonisation and/or relocation of sea grasses; provide natural protection for the recolonisation of Habitats Directive Annex IV species, as listed under the Habitats Directive – for example *Pinna nobilis*; improve shellfish populations; provide a habitat for benthic communities to develop; and provide a new site for diving and snorkelling activities.

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In terms of timing, calm conditions with minimal wave, wind and tidal influences favour the deployment of artificial reef modules. The north-west artificial reef was deployed during the summer on 24th July and 25th July 2013, since the forecast for meteorological and sea state conditions were deemed suitable for said deployment.

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**Hon. D A Feetham:** Was there any discussion at all or was it factored into the decision to lay the reef in August? I recognise that the Government has every right to lay this reef where it laid it.

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**A Member:** In July.

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**Hon. D A Feetham:** Sorry, in July. But was there any discussion or was it factored into the decision, the possible repercussions that might have flowed from the laying of the reef and the impact that that would have had in terms of local traders because of ...and indeed there has been an impact on local traders – the consequence of the problems that we have had on the frontier? I mean, was that factored into the decision-making process by the Government, or the Minister, or the Chief Minister, when the decision was taken to lay this particular reef in July?

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**Chief Minister (Hon. F R Picardo):** Needless to say, Mr Speaker, I am not going to be engaging the Leader of the Opposition on what the Chief Minister and the Minister for the Environment discuss.

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**Hon. D A Feetham:** Yes, but Mr Speaker, that is a wholly inadequate answer, with respect.

We have a reef that has been laid in July. It has provoked, unjustifiably so, we recognise that – unjustifiably so, but in our view *predictably* so – a reaction from Spain which has involved restrictions at the border, which has then caused huge problems, particularly for mainstream traders at the height of the tourist season in August and September, which has led many of these traders to see a downturn in their turnover for those two months.

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I would have thought, and does he not agree with me, that any prudent and reasonable Government would have factored into their decision-making process that kind of consequence, despite having the legal right and the moral right, whatever you like, in terms of laying that reef, but factoring into the decision making process those consequences for mainstream traders and other businesses in Gibraltar?

**Mr Speaker:** Before the Chief Minister answers that supplementary question, let me make it clear that I am not going to allow a debate this morning, arising from this question, about the frontier restrictions or the measures being adopted by the Spanish Government, for whatever reason they may be.

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If the hon. Members of the Opposition wish to, they can raise the matter later, on the adjournment. It is a proper matter to raise on the adjournment, when a 40-minute debate can take place without a vote being taken and without a formal motion, or they can raise, they are free, under the Rules of this House, they are free to bring a motion on the question of the frontier restrictions whenever they so wish and then different Rules will apply because it will be a debate.

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But this morning, arising from this question, we are not going to have such a debate.

**Hon. Chief Minister:** Mr Speaker, I am very grateful for that, because I think that is exactly what the Hon. the Leader of the Opposition wants.

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May I just comment in respect of what you have said, that of course a motion on the adjournment falls in respect of matters which are urgent, and something which has been going on apparently since August is not going to, in my view, attract the epitaph of 'urgent'.

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**Mr Speaker:** If I may correct the Chief Minister: not just urgent, but on any other matter, and it is any other matter that could have arisen during Question Time, and then it is for the Speaker to decide whether that is an appropriate matter to have debated on the adjournment.

**Hon. Chief Minister:** I am grateful, Mr Speaker, but let us be clear that the motion on the adjournment is not the sort of procedure that should be used by Oppositions that are fearful of losing votes on motions.

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The Opposition, if they want to debate this issue with the Government are free of course to do so and the Government would very much welcome the opportunity of debating this with the Opposition; but let us do it on a motion, Mr Speaker, that is clear, and let us do it on a motion where we take a vote.

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Mr Speaker, the position is very clear. I am not going to engage the Leader of the Opposition on what it is that the Government considers when it makes a decision. If I start the process of answering in respect of that question, then we are going to be here simply analysing who said what to who in Cabinet before a particular decision that hon. Members like or dislike was taken.

1375

But I do have to take issue with much of what the Hon. the Leader of the Opposition has said. He appears to not be living in the Gibraltar that most of the rest of us are living in. He appears not to have lived the history of Gibraltar that the rest of Gibraltarians have lived it, and I say that, Mr Speaker, not in respect of the restrictions of 1969 to 1982 and then 1985, when the frontier finally opened, but of course, Mr Speaker, in respect of the period of restrictions and of frontier queues and of rhetoric that the hon. Member did not live with us, because he was happily ensconced up in the north of England being a barrister there.

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He might not recall, and I hope that this is of assistance to him, Mr Speaker, that at the time that the GSD were in administration, when they laid no reefs, Mr Speaker, and they tore up no fishing agreements – in fact they did them – we had... Apparently I am *pesao* Mr Speaker, I hear the hon. Lady opposite saying, because I am reminding them of this.

1385

We had extremely long frontier queues. We had extremely negative rhetoric, all from the same place that we have them today, the Palacio de Santa Cruz and the *Partido Popular* Foreign Ministers of the time.

There was a very informative article today that I recommend to Members opposite, Mr Speaker, in a publication in Spanish called *Público – Público.es* – which analyses what is Plan A and what is Plan B for the Spanish Foreign Ministry.

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Plan A, Mr Speaker, is being nice to the Gibraltarians and see if they will agree to transfer the sovereignty of Gibraltar. Plan B says, Mr Speaker, if having been nice to the Gibraltarians they do not agree to any progress on issues of sovereignty, then start getting tough. And if the hon. Gentleman says, 'Well, Mr Speaker, did you not consider Plan B when you were considering with the Hon. Minister for the Environment whether such a reef should be created in British Gibraltar Territorial Waters or not?', let me put it to him, Mr Speaker, that he should go back and do a bit of research. Not so much on the numbers of inspections that Health and Safety officers rightly do in respect of the construction industry,

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rather than analysing Health and Safety in hairdressing salons or spas, but to read the words of Señor Margallo, when he was first appointed Minister for Foreign Affairs of Spain – not when he said, '*Gibraltar Español*' or '*Esta broma se ha acabado*' – this joke is over – but when he said in a lengthy interview on 21st January 2012, Mr Speaker, and for the purposes of assisting him that is 19 months before the reef was laid – 19 months before the reef was laid – 'We are not going to progress with the trilateral process that is at an end and from now on we will have regional co-operation so long as there are advances on sovereignty –

1400

1405 **Mr Speaker:** Can I – ?

**Hon. Chief Minister:** – not otherwise’.

1410 **Mr Speaker:** Can I bring the Chief Minister (*Interjection*) back to the question and answer? The question was as to the reasons why the Government laid the artificial reef in that area and the time that it did so.

The Hon. the Minister for Health and the Environment has given detailed answers, based on environmental and biological conditions, as to why that was proceeded with. I am only going to allow any further supplementaries to deal with those aspects of the question and the answer.

1415 Anything else to do with the wider political issues, hon. Members can debate whenever they so wish. I make myself available for that purpose and I will then apply the liberal rules of debating which follow. But, we are not going to do that this morning and I am bringing this matter to a conclusion, unless supplementary questions are within the parameters that I have decided.

1420 **Hon. Chief Minister:** Mr Speaker, I am very happy to accept your ruling. I will allow the Minister for the Environment to deal with the biological and environmental aspects of this matter as he is much better qualified than I am. I think I have dealt with the political aspects that were raised by the Leader of the Opposition.

1425 **Hon. D A Feetham:** Mr Speaker, I am interested in the political questions and the political answers. If I cannot ask political questions and receive political answers, then I am not going to pursue the matter any further.

1430 **Hon. Chief Minister:** Mr Speaker, can I put it to the hon. Gentleman that environmental issues and biological issues are highly important political issues too.

**Hon. D A Feetham:** Yes, Mr Speaker, but I am interested in the reasons why the Government took a decision which in my view has turned out to be one of the most monumental errors of judgement in the political history of Gibraltar. (*Banging on desks*)

1435 **Mr Speaker:** May I make it clear that, as Speaker, I am also interested in those decisions. I do not want anybody to go away from this House under the impression that I am curtailing discussion on these matters. I am just saying that Question Time is not the appropriate time to do so and I invite hon. Members of the Opposition, if they so wish, to table a motion at the earliest convenience, in order to debate this important issue. So I do not want anyone, members of the public in particular, who may not understand what the Rules of Procedure are, to think that the Speaker is curtailing debate. The Speaker is not curtailing debate, provided it is at a time when debate is called for.

1440 We are dealing with questions and answers, the purpose of which is to ask for information, to enjoin the Government to adopt a particular course of action or to adopt a certain line of policy, and that is what Question Time is about.

1445 **Hon. Chief Minister:** I am very grateful, Mr Speaker. I think it is important the public should know that we are prepared to debate these issues.

1450 Mr Speaker, I think it is entirely politically appropriate though that I do deal with the hon. Gentleman’s last point, because I think the public will realise, Mr Speaker, that the biggest monumental error of judgement made in the modern history of Gibraltar was actually to leave the GSLP as it was in the ascendancy and to join the GSD. In any event, Mr Speaker, history will judge this Government for everything it has done, not just but including the reef, much more fairly than the Opposition would like us to be judged for their own narrow political purposes. And when we do, Mr Speaker, the advances made in respect of those waters off the isthmus may not look like such a monumental error of judgement.

1455 **Hon. D A Feetham:** And I will enjoy bringing a final curtain to your Government in two years’ time. (*Interjections*)

1460 **Mr Speaker:** Is there any supplementary on this particular question? If not, we will proceed to the next one. No. I see that the matter has been satisfactorily dealt with therefore. (*Laughter*)

**Hon. Chief Minister:** Well Mr Speaker, the hon. Gentleman has made a point and I think it is right that I should be able to answer it, because... if only with this observation, Mr Speaker.

1465 I think what you have done this morning, Mr Speaker, is to rightly draw out the Leader of the Opposition so that we have now been able to see, and so has all this community, that all of these issues

that he wants to debate, he is not interested, Mr Speaker, in any details as to the biological and environmental reasons for the creation of the reef. He just wants to use this opportunity, Mr Speaker, to hurt the Government politically so that he can bring a final curtain on our Government in two years' time.

1470 Mr Speaker, for the purposes of the record, let me just remind him that the person who will decide when to bring the final curtain down on the lifetime of this Parliament will be me when I go and see the Governor to ask him to convene a General Election. We do not know yet, Mr Speaker, who will lead the parties into that General Election, what the parties will be, which party he will be in at the time, Mr Speaker (*Laughter*) and the general public will decide who it is that governs Gibraltar afterwards. He should not assume that he is going to win any elections in the future.

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**Mr Speaker:** And I am bringing now a final curtain on this question and we go on to the next one. (*Banging on desks and applause*)

1480

## CHIEF MINISTER

### Costs to taxpayer

#### Members' expenditure; protocol, travel and entertainment

1485

**Clerk:** Question 836, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Chief Minister state the breakdown of expenditure so far since the commencement of this financial year in relation to (1) protocol; (2) travel; and (3) entertainment by all Members of the Government, broken down by each separate category and stating the purpose, place and date in which such event took place?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 837 and 838.

**Clerk:** Question 837, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a breakdown of all costs to the taxpayer of the recent visit to the Fourth Committee of the United Nations, identifying everyone who was paid for by the taxpayer, together with items of expenditure associated with that individual?

**Clerk:** Question 838, the Hon. D A Feetham.

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**Hon. D A Feetham:** Can the Chief Minister please provide details of the cost of the Mega Pop Concert, the Jazz Festival, the Literary Festival and the Gibraltar Day in London?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, ministerial travel costs are put on the Government website, as invoices are received and paid, including those of the Deputy Chief Minister, Minister Licudi and my own, in respect of our travel to the United Nations this year. Should any further Ministerial costs be received, they will be reflected on the website.

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Details of protocol and entertainment have never been provided before the financial year end, by any administration, as that amounts to, in effect, providing a management account of ongoing expenditure.

In respect of Questions 837 and 838, however, I now hand over a schedule with the information requested, except in respect of protocol.

Answer to Question 837

Breakdown of costs to date to the taxpayer of the recent visit to the Fourth Committee of the United Nations

GM DELEGATION	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr E Gomez	£5,472.00	£2,190.00	£1,628.50
Mr Javier Redondo	£5,583.00	£2,190.00	£1,679.30
Mr Jaime Trinidad	£5,072.00	£1,333.00	£412.35

PRESS PARTY	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr Stuart Green	£1,478.00	£798.00	£0.00
Mr James Murphy	£1,738.00	£798.00	£0.00
Ms Christine Vazquez	£1,696.00	£798.00	£0.00
Mr J.C. Teunis	£1,324.00	£1,650.00	£0.00

1520

STUDENTS	Air Fares	Accommodation	Meals, Transport and Other Expenses
Dr J J Brito	£1,425.92	£1,898.86	£788.79
Mr Thomas Blegden	£1,425.92	£870.86	£483.30
Ms Cristina Gonzalez	£1,425.92	£870.86	£483.30
Mr Roger Rodriguez Gabriel	£1,425.92	£870.86	£483.30
Ms Aysna Panfer	£1,425.92	£870.86	£483.30
Mr Thomas Romagosa	£1,425.92	£870.86	£513.01
Mr Ryan Robba	£1,425.92	£870.86	£483.30

Answer to Question 838

Gibraltar Day 2013

Guildhall Event	Church Service	Trinity House Breakfast	City Gaming Breakfast	VIP Lunch - The Gherkin
£88,384.97	£2,145.32	£7,474.47	£3,772.00	£1,962.38

Mega Pop Concert	Jazz Festival	Literary Festival
£566,860.17	£91,988.16	£152,921.00*

\* Some further revenue may yet have to be off-set against this figure

**Mr Speaker:** My attention has been drawn to the fact that the Chief Minister... has he missed out the last line of the question?

1525

**Hon. Chief Minister:** Oh, yes, you are absolutely right, Mr Speaker. I am very grateful.

In relation to Question 837 and Question 838, there is another sentence I should have read out. Her Majesty's Government delegation on this occasion, the occasion of our visit to the United Nations, also included the Director of Education and six students.

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**Hon. D A Feetham:** Mr Speaker, I have the schedule here in front of me and it does not include – and can I take it from the non-inclusion – anybody from the Self Determination Group, it does not include Mr Matthews, unless I have made a mistake. Does that mean that Mr Matthews paid for his own travel and expenses to the United Nations and that is why it does not appear in this particular schedule?

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**Hon. Chief Minister:** Well, he should ask Mr Matthews that, Mr Speaker. The only thing I can say is that the Government did not pay for it.

**Hon. D A Feetham:** Yes, and for the avoidance of doubt, can he confirm that it was not paid for through any Government-owned company, either directly or indirectly?

1540 **Hon. Chief Minister:** Mr Speaker, as far as I know we have not paid for the SDGG to come with us to the United Nations through the Government, the Savings Bank, Credit Finance Company, all the ones that they say are secret, Mr Speaker, but they know everything about it and so does everyone else in our community.

1545

**Former Speaker of the House  
Investigation into leak of personal tax affairs**

1550 **Clerk:** Question 839 the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether the investigation into the leak of personal tax affairs of the former Speaker of this House has now concluded?

1555 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this investigation has now concluded and no evidence as to the source of the leak has been established by the Chief Secretary. A report of the investigation is presently being prepared.

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**Hon. D A Feetham:** Well, Mr Speaker, in relation to the report that he says is being prepared, is that a report that is a report to Government that will not be made public, or does he intend to make it public? Would he lay it before this House? What are his intentions in terms of the report into this particular issue, which is a serious issue, not only generally, but also for Members of this House? At the end of the day, this was a Speaker of the House and his personal tax affairs were leaked to members of the press.

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**Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman understates the seriousness of what happened here and that to have the tax affairs of any individual leaked to the press is, to say the least, criminal. To have them leaked of a Member of this House is criminal and raises political issues too; and therefore I will not commit myself to publish the report for exactly the reasons that I said to him in answer to Question 497 this year, which I am sure he will recall, namely that it may be that that report leads to my making – my or whatever the appropriate mechanism is – to a criminal report being made for further criminal investigation.

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**Hon. D A Feetham:** I understand that if the report focuses on evidence that may form the basis of a criminal investigation, that it may not be appropriate to disclose the report – I understand that. But as I understood the answer, really the Government or the Chief Secretary has not been able to get to the bottom of how or where and when, the ins and outs of the leaking of this particular information.

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If there is nothing there in this report that can form the basis of a criminal prosecution, because at the end of the day it really is inconclusive, is there any reason why the Government will not disclose the report so that at least Members of the Opposition can look at it and also can look at the thoroughness of the investigation and the way that the investigation has been conducted? We are perfectly entitled to do so, you know.

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**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman can do what he likes. He can look at whatever he likes, but what he is not going to become is the policeman of the Chief Secretary. Is he saying, Mr Speaker, that he has some doubt as to the thoroughness of the investigation undertaken by the Chief Secretary?

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I must say, Mr Speaker, that I watched in awe – watched, because now we are able to, after the reforms that this Government has made – the allegations being made in respect of employment issues, when the Hon. the Minister for Health was answering questions, and all of those implications which you were good enough to point out about the Public Services Commission and its working. Are we now to have suggestions in this House, that in respect of something as important and as sensitive and as, frankly, unacceptable as a leak of a taxpayer's information, the hon. Gentleman thinks that it is up to him to determine whether or not the Government or the Chief Secretary have been thorough in an investigation?

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Well, look, Mr Speaker, that is never going to be a reason for us to publish a report. What I am saying to him, in trying to agree... in fact, in going further than his own view as to the seriousness of this leak, Mr Speaker, is that the report *may* take matters further, and it may take them outside the ambit of simply a

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1600 Civil Service investigation into what has happened. But certainly, Mr Speaker, if the report is published, it will not be in order to enable the hon. Gentleman to make himself the policeman of the policeman.

**Hon. D A Feetham:** Mr Speaker, he really is very long winded in his answers today, and he really is waffling and waffling and waffling... more so today than on other occasions.

1605 Look, it is not up to me. It is not up to me, but I am perfectly entitled to examine that report and make my own mind up as to the quality of the investigation. That is part of the role of the Opposition. Or is he really suggesting that the Opposition is not entitled to look at this report and make up its own mind as to the thoroughness of an investigation into a very serious issue?

1610 Of course there are criminal implications, but it is also a matter of extreme importance to Members of this House that in relation to a Member of this House that there has been a leak of personal tax affairs that ultimately led to the Speaker's resignation last year. Mr Speaker, does he not recognise that the Opposition is entitled to that information?

1615 **Hon. Chief Minister:** Mr Speaker, the previous Speaker of this House, who gave eight years of service to this community and to this Parliament, explained why he resigned – in fact, not why he resigned, why he retired. He never suggested it was anything to do with the malicious leaking of information dealing with his tax affairs. The Hon. the Leader of the Opposition has just said the opposite.

1620 Look, Mr Speaker, there has only been one Speaker who has resigned as a result of something related to the work he has done in this House and that was Mr Alcantara, who had to face a motion of no confidence in the Speaker where the Government voted against him because he had ruled in a way that the Government did not like. The Government that he supported. The Government that he then became a Member of, when he made the monumental error of judgment of leaving the GSLP in its ascendancy and going to the GSD in its descendency.

1625 But, Mr Speaker, how can he say that he is entitled to a Government report? Well, Mr Speaker, if he has any legitimate expectation that he might see the report, which he does not, it might be because we publish reports. Or, Mr Speaker, is it that I had an entitlement – to use his words – to see the Customs Report prepared by the previous administration, which they refused to publish, or to see the Alan King report into the future of GBC, which they had prepared at a *huge* cost to the taxpayer and refused to publish? Well, Mr Speaker, where was the entitlement then when he used to sit here and snigger, as a Government Minister, when those reports were not published.

1630 This report is into a very sensitive matter, and I am telling the House it may lead to more, and all I am saying is I cannot commit myself to publish the report as a result of that. But, Mr Speaker, he says that we are waffling. Look, Mr Speaker, I think anybody who has been watching today will know that they are the ones gobbling like turkeys voting for Christmas, and we are the ones talking turkey.

1635 **Hon. D A Feetham:** He really has a propensity – he does it better than anybody else – to grandstand, the showmanship, the Hollywood; that is his thing. I have to say that that is his thing and I congratulate him for it.

1640 But, Mr Speaker, does he not recognise that he got elected on a ticket of doing things differently, even if it were right what he says. He was elected on doing things differently and he complained on many occasions that we had not published the King Report. Does he not recognise therefore that he ought to take a leaf out of his own political discourse and do things the way that he used to preach that he was going to do things, before he became Chief Minister of Gibraltar?

1645 **Hon. Chief Minister:** Mr Speaker, look I think the hon. Gentleman has not wanted to hear what I say. He accuses me of grandstanding, but he is asking questions, despite my answer being the report may be published unless there are reasons why it should not, because it may lead to a prosecution.

1650 Now Mr Speaker, of course we are doing things differently. There was a new dawn, thank goodness, on 9th December 2011. Things have changed, this Parliament is unrecognisable. People can watch us at home, and so much more has happened, Mr Speaker. But everybody knows that there has been real change in our community.

1655 But what I cannot do, Mr Speaker, is when we are dealing with a report that *may* lead to a prosecution, or an investigation or may be tangentially related to a prosecution or an investigation, commit myself today – and that is what we are arguing about – to publish the report. Mr Speaker, it maybe that those things do not come to pass and the report can be published, because my inclination, as hon. Members know, and they take me at my best in this respect, is always to publish unless there is a good reason not to.

But that does not mean, Mr Speaker, because there has been a new dawn, because at last there is transparency, because we are a more open Government, that the hon. Members can have a webcam set up in each of our offices to hear what we talk about when we are going to decide whether or not to lay a reef,



1660 to look at what it is that we are doing in respect of reports, and to have access to any information that may be of an important prosecutorial nature.

But, Mr Speaker, let that not stop him from sitting down, almost as if he were Scrooge, to say, 'Bah, humbug' to everything.

1665 **Hon. D A Feetham:** Mr Speaker, nobody is asking for disclosure of this report, if at the end of the day it is going to lead to a criminal prosecution or a criminal investigation. I have not suggested that. On the contrary, I have said if it does not do that, there is no reason why you ought not to disclose it, and certainly, not disclose it to the Opposition.

1670 Now, my final supplementary, will he at least, if there is no criminal investigation or criminal prosecution – criminal investigation, really... does he undertake to at the very least allow me sight, as Leader of the Opposition, of this report, bearing in mind that it does go to the privileges to disclosure of personal tax information of a Member of this House, and it relates to this House? And as Leader of the Opposition, will he at least undertake to let me see a copy of that report, even if on a confidential basis?

1675 **Hon. Chief Minister:** Mr Speaker, I said at the beginning of my answer to supplementaries that my answer remained as in respect of Question 497, which was in June of this year. The hon. Member's supplementary is identical to the one he asked me in supplementaries then.

1680 So I will just remit myself to saying this, Mr Speaker – it is at line 270 of the excellent *Hansard* that is now produced so much more quickly for these monthly meetings that we now have, instead of the one or two that they used to have when they were in Government, and called themselves democratic. And I said this, Mr Speaker:

1685 'Mr Speaker, I cannot commit myself to that, [the undertaking which he asked for] for a reason that I hope he will understand. It could be that this leads to criminal proceedings and therefore that the matter might be overtaken by the issues becoming the subject of a complaint or a charge. Therefore, Mr Speaker, I do not think it is appropriate for me to give the House an undertaking that this will result in a statement by me in this House, or the tabling of an investigation report, because it could become much more serious than that, and I hope he understands that reasoning.'

1690 Mr Speaker, I have said throughout the course of questions and answers this morning, the very same thing. If it leads to an investigation or at a criminal level, I cannot publish it; therefore Mr Speaker, the opposite must also be true. If it does not lead to an investigation for criminal proceedings, then I will be free to publish it.

1695 **Mr Speaker:** Next question.

**Hon. D A Feetham:** Mr Speaker, does that mean, because he has not given me a straight answer to this question. Does it mean that if it does not lead to a criminal investigation that the Hon. the Chief Minister will make that report public – (1); and (2), that at the very least, he will allow me to see it, even on a confidential basis?

1700 I am not asking about criminal investigations. This has never for me been about a report which leads to a criminal investigation. If it leads to a criminal investigation, I understand. If it does not – that is the question.

1705 **Hon. Chief Minister:** I have already answered those questions, Mr Speaker.

**Self Determination Gibraltar Group  
Chairman's speech to UN**

1710 **Clerk:** Question 840, the Hon. D A Feetham.

1715 **Hon. D A Feetham:** Mr Speaker, did the Chief Minister read the speech of the Self Determination Gibraltar Group Chairman, Dennis Matthews, before it was delivered to the United Nations?

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

**Chief Minister (Hon. F R Picardo):** No, sir.

1720 **Hon. D A Feetham:** Mr Speaker, did he agree with the sentiments expressed by Mr Matthews at the United Nations, comparing the actions of Spain to Gibraltar to that of terrorists?

**Hon. Chief Minister:** No, sir.

1725

**Establishment of Anti-Corruption Authority  
Continuing plans**

1730 **Clerk:** Question 841, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether the Government has abandoned its plans to set up an Anti-Corruption Authority?

1735 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we have not abandoned our plans in this respect, and expect to make an announcement in due course.

1740 **Hon. D A Feetham:** Mr Speaker, is this something that the Government intends to do during the course of 2014, just to put a tighter timetable on the answer the hon. Gentleman has given me?

1745 **Hon. Chief Minister:** Mr Speaker, the Government does not accept tighter timetables from the Opposition. Our manifesto is to be performed in the lifetime of this Parliament. Some things may be now performed in 2014, some in 2015 and in fact, Mr Speaker, if he understands the Rules of Procedure, we may be able even to go into 2016.

1750 **Hon. D A Feetham:** Yes, indeed. Will this involve the introduction of legislation in order to create this particular authority? And how does the Hon. the Chief Minister envisage that this will plug in to existing legislation, or will it require wholesale legislation, hermetically sealed from existing legislation, in particular for example, the Crimes Act and the Criminal Procedure and Evidence Act?

1755 **Hon. Chief Minister:** I do not recognise that as an analogy that you can use in relation to legislation, Mr Speaker.  
It is very likely that this will require new legislation. I am not going to debate with him at this stage how it is going to be done. He will see when an announcement is made how we expect it to interface with existing legislation.

1760

**Credit Finance Company Limited; Consolidated Fund  
Commutated pensions of civil servants**

1765 **Clerk:** Question 842, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state, what is the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants?

1770 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer together with Question 843.

**Clerk:** Question 843.

1775 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how many civil servants have had their commuted pensions paid (a) by Credit Finance Company Limited and (b) from the Consolidated Fund since Credit Finance Company Limited was incorporated?

1780 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as at 31st October 2013, the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants is £18,123,986.28. Figures as at 30th November have not yet been finalised by the Treasury. Therefore answers reflect tentative figures as at 31st October 2013.

1785 One hundred and twenty-four civil servants have had their commuted pensions paid by Credit Finance Company Limited.

1790 Sixty-one civil servants have had their commuted pensions paid from the Consolidated Fund, once the incorporation of Credit Finance Company Limited as follows: nine gratuity payments on retirement; 39 revised gratuity payments to civil servants who retired and had their gratuities paid prior to the incorporation of the company; and seven gratuity payments on death; and six gratuity payments on resignation.

1795 **Hon. D A Feetham:** Mr Speaker, just by way of clarification. Did he say £18 million – one eight – or did he say £80 million? It is just that we did not quite hear it.

**Hon. Chief Minister:** One eight, one two three, nine eight six, dot twenty-eight.

1800 **Hotels**  
**Financial assistance or loans**

**Clerk:** Question 844, the Hon. D J Bossino.

1805 **Hon. D J Bossino:** When originally drafted, it was directed at the Minister for Tourism. I assume it is the Chief Minister who is going to be answering, so I will phrase it in those terms.

1810 Can the Chief Minister advise whether any hotels, other than the Sunborn but including the Marriott, are the beneficiaries of any loans from Credit Finance Company Limited, or are in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank?

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

1815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am informed that no hotels, other than the Sunborn, are beneficiaries of any loans from Credit Finance Company Limited, or in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank.

1820 Mr Speaker, he will know that that question is answered in the spirit of what he has asked, and not in respect of, for example, whether they have arrears of water or electricity. I do not know what that updated position is, but it dawned on me when answering that if they were being particularly pedantic, they might suggest well if a hotel has not paid two months of water or electricity, is that financial assistance from the Government? He knows... what... I am answering, I think, the question he is asking me by giving this answer. It is in relation to loans, as I understand it.

1825 **Hon. D J Bossino:** Indeed, Mr Speaker, the question is in relation to whether any actual payment has been made, exactly. So he has understood the purport of the question.

Yes, I am grateful for that. There is a point of clarification which my Hon. and Learned Friend, Mr Figueras suggested I ask, and he is absolutely right. The Marriott is not yet a hotel in Gibraltar. Is there any intention on the part of the Government, Credit Finance Limited and all the rest of it, to provide any financial assistance to the owners of the Marriott which is intending to set up shop in Gibraltar?

1830 **Hon. Chief Minister:** Mr Speaker, the owners of the Marriott have not been in touch with the Government in this respect, but the Government would be open to considering any similar requests from hotel operators in Gibraltar.

1835 I think there was a scheme in the late 1990s called the Hotel Assistance Scheme which dealt with similar issues and the Government would be prepared to consider any requests for the Government to assist in any particular way.

1840 Of course, in relation to Credit Finance, it is different. They have got to go through certain procedures as to how they would persuade the people who are responsible for lending in that respect to decide whether there could be a lending. It is a different process. But if the Government were to be engaged, the Government might be very willing to consider some incentives for any of the new proposed hotel developments.

1845 **Hon. D A Feetham:** Yes, and can he confirm there has been no request from the owners of the Marriott for any kind of financial assistance similar to the ones provided to the owners of the Sunborn by Credit Finance?

**Hon. Chief Minister:** Mr Speaker, I do not know what the updated position is in that respect. As far as I know, the owners of the Marriott have not been in touch with the Government at all – with the Government.

1850 Have the developers been in touch with the Government about similar issues? I think there may have been a request, Mr Speaker, I do not know where that lies, I do not know what amounts we are talking about, and I do not know whether it will progress or not. I know that they have other sources of funding; I assume he is asking me because he knows, as he represents some of them.

1855 **Hon. D A Feetham:** Mr Speaker, earlier on, the Hon. Speaker said that the Opposition ought to make itself responsible for the accuracy of the questions. I think that the Hon. the Chief Minister ought to make himself responsible for the accuracy of any point that he makes.

1860 I represent nobody in relation to this particular project. He knows that I am a litigator. I am not a commercial lawyer, and therefore he could not possibly make a statement that I represent these individuals, because there is no evidence to suggest that that is so.

1865 **Hon. Chief Minister:** Well, Mr Speaker, I will tell you why he is completely wrong. His firm represents a number of them, and as the present backbencher Chief Minister used to say, if your firm is involved, then I impute knowledge to you and of course, Mr Speaker, he is right. Under the solicitors' rules, if your firm is handling something, then as a partner of that firm – and he likes to describe himself as a senior partner of Hassans – he must be imputed with that knowledge.

1870 **Hon. D A Feetham:** I do not know where he gets that, I describe myself as a senior partner or whatever. I am not going to go into this. But, Mr Speaker, I have absolutely no knowledge of this or anything else relating to this particular project.

And look, the Hon. the Chief Minister, every single time I ask a question either about this or about something else, he seems to hide behind or attempt to make political points at my expense, that I am a partner of Hassans.

1875 Well, he used to be a partner of Hassans, I do not know whether he continues to be a partner of Hassans, but I do not think that it is legitimate for the Hon. the Chief Minister to make assertions as if I am the guy that is representing these people and I have knowledge in relation to this particular project. I do not think it is a fair point for him to make.

1880 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has never made a point politically in his life that I have had to hide away from, let alone any that he has made in this House.

Look, Mr Speaker, I will take his point. I think he is entirely wrong and I will simply rely on the statements made by his erstwhile leader, Sir Peter Caruana, who is not here now, when I was in his position and I was a partner of Hassans, and was imputed with all sorts of knowledge of that firm, when I was the Leader of the Opposition and a Member of the Opposition. He can look at the *Hansards* if he likes.

1885 And as to when he used to describe himself as a senior partner of Hassans, if he likes later, I will show him copies of the press releases.

1890 **Hon. D A Feetham:** But is he suggesting – because it is an important point – is he suggesting that because I am a partner of Hassans, that every single time that I ask a question about financial assistance that may have been provided to parties involved in some commercial transaction that I know absolutely nothing about, that simply because I am a partner of Hassans, that I am not entitled to ask that question and he will refuse to provide me with the answer; simply provide me with the retort of, 'Well, you should know because you are a partner of Hassans'?

1895 Because if that is the position, then I am afraid that the depths to which this Government is plummeting and has plummeted in terms of transparency and accountability is really getting to new depths and new ways in this House.

1900 **Hon. Chief Minister:** Mr Speaker, I do fear that the hon. Gentleman has taken leave of his senses. He used to sit here, when the Hon. the then Chief Minister used to make these statements. I have actually provided an answer to the questions, so he must actually – I will take it from his answer or from his question – be applauding the fact that we are answering these questions, when the previous administration would simply say – as Sir Peter used to say to me – 'You go and ask your partners: you should know, you are a partner of Hassans'.

1905 Well look, Mr Speaker, I am grateful that he acknowledges that that is a 'depth to which one plummets', and I will take it that he therefore considers that Sir Peter plunged to depths, and that he welcomes the fact that we have answered the question, despite the fact that he is a partner of Hassans. How senior though, is a matter of opinion, depending on who drafts the press release.

1910 **Hon. D J Bossino:** Well, Mr Speaker, Hassans seems to be getting a lot of free advertising. I am a partner of Triay Stagnetto Neish (*Laughter and banging on desks*) [*inaudible*] and also with shadow ministerial responsibility for Tourism. (*Laughter*)

Now, Mr Speaker, the Hon. the Chief Minister knows that I asked him about whether the owners of the intended hotel, the Marriott, has received any financial assistance from the Government, and the question in fact is phrased in terms of the Government, Credit Finance, as he knows.

1915 Now he then says that it could be that the developers may have sought financial assistance. Can he expand upon that at all? Is he able to? Because I would be very interested to learn if he can provide any further information to this House in relation to that. I asked specifically in relation to the owners, but I now ask in relation to the developers or any other party connected with the Marriott project.

1920 **Hon. Chief Minister:** Mr Speaker, I cannot give him more information at this stage, but I just think there might be something, so if he wants to ask the question next time round with that different permutation, I will be able to bring any information which is available.

1925 And of course, I do recognise that he is a partner of TSN and that we have partners here or ex-partners of ISOLAS as well. It would be unfair not to mention. All the law firms in Gibraltar do an excellent job. (*Laughter and interjection*)

**Hon. D J Bossino:** Yes, Mr Speaker, I will take him up on that offer and I will be asking a question at the next sitting, or maybe even write to him.

1930

**Gold and silver bullion  
Buying and selling**

1935 **Clerk:** Question 845, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether the Government, the Gibraltar Savings Bank or Credit Finance Company Limited are involved or propose to be involved, directly or indirectly, in the business of buying and selling gold or silver bullion?

1940 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no, sir.

1945

**Foreign investors  
Update on Government's position**

1950 **Clerk:** Question 846, the Hon. D A Feetham.

1955 **Hon. D A Feetham:** Mr Speaker, bearing in mind that we are now two years into the New Dawn Government, will be Chief Minister please state whether he is now in a position to identify those foreign investors which he said in an interview with Gerard Teuma in May of 2011 that he had up his sleeve if his party was elected into office?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes sir. (**Hon. D A Feetham:** Ah!)

1960 The first of these – only the first, Mr Speaker – will be announced shortly, early next year, towards the end of January, when a new economic activity will be made public, which is anticipated to give rise potentially to be a market that could bring major benefit to Gibraltar.

1965 The announcement involves the creation of an entity which will be a joint venture with a client of his firm who was previously someone I had the pleasure of representing personally. Others may soon also materialise. Announcements will be made in due course, as and when they crystallise.

He did, Mr Speaker, I hesitate to remind him, undertake to congratulate me when I made the announcement.

**Hon. D A Feetham:** Well, Mr Speaker, (*Laughing*) he has not made an announcement; it is an intention!

1970 But let me say that any investment that the Government brings to Gibraltar, if it is worthwhile and for the benefit of the community, I will be the first one to congratulate the Government. (*Interjection*)

But I have to say that on this particular occasion, I am rather sceptical that these particular investors are the same ones that he said he had up his sleeve in May of 2011, and perhaps the Chief Minister will forgive me for taking the rather sceptical view that he had nothing up his sleeve in May of 2011.

1975 Why has it take so long, assuming that he did have it up his sleeve in May of 2011, why has it taken so long for the Chief Minister to now come to this House and to say, 'Well, we might be making an announcement shortly', or 'we will be making an announcement shortly'? Why has it taken so long?

1980 **Hon. Chief Minister:** Mr Speaker, he can be as cynical and as sceptical as he likes, but when he sees what it is that happens, he will understand that these are exactly the people I was talking about. It is not that it has taken so long, Mr Speaker. January 2014 will be barely 24 full months since the election of the New Dawn Government that was elected, Mr Speaker, because of course the Government before had gone to the end of its term, just before Christmas. And therefore, there was very little that could be done in the first month.

1985 So 24 full months after that, we are already producing not just the inward investment that we have shown already, Mr Speaker, but new inward investment that is related to these particular individuals. He will know, Mr Speaker, that Government works in ways which require things to be checked and tested, etc, and that therefore it is simply not possible, at least these days. In 1988, I am told by the Hon. Mr Bossano, things could happen a little bit more quickly, because there were no European tendering procedures that had to be gone through etc. There are new European rules that hinder things, so it has taken some time for these things to actually be matured to the stage of launch.

1990 But as he will see, Mr Speaker, when he realises who it is that is doing this work, and some of the others who are likely to be announced to be doing this work with us in the future, that they are the people I was in touch with at the time I was a partner of Hassans and therefore *even his* cynicism will, I am sure, be brushed away.

1995 **Hon. D A Feetham:** Yes, Mr Speaker, and even he, I would have thought, would be able to attract some inward investment in four years of being Chief Minister. It is already two years into his so-called New Dawn Government and over two years since May 2011.

2000 But can he give some more information as to, for example, the nationality of these investors, or the sectors in which this new investment is going to be relating to. I mean can he do that, so that we get a flavour of what it is that the Government is proposing.

If he cannot, because of some commercial sensitivity, then I am not going to press him, but can he provide some further information?

2005 **Hon. Chief Minister:** Mr Speaker, I would have thought that even he would be more generous than to describe me as he has in the first part of his sentence, at least on 23rd December, but never mind.

2010 Mr Speaker, I will not announce what the thing that will happen in January will be, beyond what I have said, because that will be commercially sensitive and we want that to have an impact internationally and he will see that when it happens, but he can then ask me about it in February, because we hold monthly meetings of the Parliament, as I hesitate in reminding him.

But I will tell him that the *other* area, the other area involving *other* clients, is real estate.

2015

#### **Tobacco smuggling from Western and Eastern beaches Government measures**

2020 **Clerk:** Question 847, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state what steps his Government is taking to stop the smuggling of tobacco from Western and Eastern beaches?

2025 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as has already been announced publicly, the Government is working on a number of measures that have been implemented or are actively being pursued to curtail smuggling from these areas as follows:

2030 First, the repair works along the frontier fence are ongoing and a mechanism is in place between Her Majesty's Customs and the Technical Services Department to expedite the repair of any future breaches. This part of the frontier fence had been in a state of complete disrepair when we were elected.

Works are ongoing to finalise the setting up of CCTV installations along the frontier perimeter.

2035 As at June 2012, Government introduced Special Zones under the Tobacco Act. These included Eastern Beach, the frontier fence from Eastern Beach shoreline up to and including the loop area and Western Beach. Over the last month, these areas have been extended to include the main roundabout from the frontier, across the runway and up to the sundial roundabout. Persons within Special Zones are subject to restrictions in relation to cigarettes and are not allowed to be in possession of 600 cigarettes in a red zone, or 2,000 cigarettes in a blue zone. It is also an offence to request or procure any person to export or assist with the exportation of cigarettes by land. Law enforcement officers may direct persons to leave a Special Zone, if it is believed that...

2040

Are they interested, Mr Speaker, in what I am saying? I am quite happy to wait.

2045 **Hon. D A Feetham:** Mr Speaker, I know that he likes me to look at him, but I do not have to look at him to listen to him. I am listening.

**Hon. Chief Minister:** Mr Speaker, nothing could give me greater pleasure than if from now on he looks away whilst I read.

2050 **Mr Speaker:** I think that the two hon. Members, the Chief Minister and the Leader of the Opposition are... Let me put it mildly, they are getting a bit carried away this morning. Perhaps they might come down to earth.

**Hon. Chief Minister:** Thank you very much, Mr Speaker, your advice is always sound.

2055 Mr Speaker, I will carry on reading.  
Law enforcement officers may direct persons to leave a Special Zone if it is believed that their presence is primarily related to the exportation of cigarettes by land.

2060 A specific tobacco operation, called Operation Venetian, was set up by HM Customs, together with the Royal Gibraltar Police and the Gibraltar Defence Police, that has been widely reported in the press. The aim is to create a high visibility presence at the hot spot entry/exit points, in order to deter and disrupt elicit contraband activity.

As part of planned infrastructural works in the frontier area, a number of control measures will be introduced. These will deter persons from accessing the frontier fence from the Commercial Gate up to the eastern coastline.

2065 The Government has already announced that retail outlets selling tobacco at two residential estates near to the land frontier and beaches will have their tobacco licence conditions amended, in that they will only be allowed to sell cigarettes by way of vending machines.

2070 In respect of the area of Western Beach, an unclimbable fence has been constructed and handed over to the MOD as part of the ongoing Houston project. How appropriate, Mr Speaker, that it should be called that, now that we have both come down to earth! The fence runs parallel three metres behind the current frontier fence from Western Beach to the customs pedestrian entrance to Gibraltar.

2075 **Gibraltar, UK and Spain *ad hoc* talks  
Update**

**Clerk:** Question 848, the Hon. D A Feetham.

2080 **Hon. D A Feetham:** Can the Chief Minister please provide the House with an update on the likelihood of *ad hoc* talks taking place between Gibraltar, the United Kingdom and the Kingdom of Spain?

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

2085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all information in this respect is already in the public domain.

2090 **Gibraltar sovereignty, jurisdiction and control of waters  
Chief Minister's firm stance**

**Clerk:** Question 849, the Hon. D A Feetham.

2095 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister accept that he can stand firm on issues that are vital and fundamental to the sovereignty, jurisdiction and control of our waters, air space and land, without comparing Spain to North Korea or accusing it of state-sponsored vandalism towards the citizens of Gibraltar at the United Nations?

2100 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I can certainly stand firm against Spain on issues that are vital and fundamental to sovereignty, jurisdiction and control of our waters. The vocabulary I use in doing so is not a matter I am prepared to take advice on from the Hon. the Leader of the Opposition.

2105 **Hon. D A Feetham:** Mr Speaker, but does he regret using the intemperate language that he used and the comparisons that he has, bearing in mind that it really has added a new dimension, in my view – he can disagree of course, but a new dimension in my view – in relation to relations between Spain and Gibraltar, which is that it is becoming personalised with the Chief Minister of Gibraltar?

2110 **Hon. Chief Minister:** Well, Mr Speaker, I must say the hon. Gentleman's question says that I accused Spain of state-sponsored vandalism towards citizens in Gibraltar at the United Nations. I do not think I ever used the words 'state-sponsored vandalism'. I do not know why it is that he wants to use that vocabulary. Perhaps he wants to pour oil on the flames.

2115 Mr Speaker, I do not recognise the description that the Hon. the Leader of the Opposition has used of what I have said. I do not think I have used intemperate language. The comparisons I have made I think were absolutely appropriate when I made them, and I of course stand by them, but I do recognise that his position is exactly the same as that of Mr Landaluce.

2120 **Hon. D A Feetham:** Well, Mr Speaker, just taking him up on the final part of that answer, does he not accept that in order to defend Gibraltar's vital interests, one does not need to get personal, one does not need to use ill-judged statements that will cause offence, not only to a political party...? And I do not care one hoot whether the *PP Government* is offended or is not offended. My concern here is that the Chief Minister of Gibraltar, in defending Gibraltar as he is entitled to do and one would expect – I mean there is no difference between he and I in relation to defence of Gibraltar's vital interests –

2125 **Hon. Chief Minister:** Oh yes, there is.

**Hon. D A Feetham:** No, there is not. No, there is not.

2130 **Hon. Chief Minister:** Yes there is!

**Hon. D A Feetham:** No, there is not.

2135 **Mr Speaker:** Order!

2140 **Hon. D A Feetham:** But what he does is, by using this type of ill-advised, ill-judged language, what he does is he risks not only alienating the *PP Government*, but also alienating political classes in Spain, the media in Spain and also Spanish citizenry. And at the end of the day, what we ought to be doing is standing firm, but also explaining Gibraltar's position in a cool, calm, intelligent way so that the adverse propaganda that emanates from the *PP Government* is rebutted in an intelligent, calm way, using reason, rather than just simply gratuitous, effectively, insults, which is what it is when one compares Spain to North Korea.

2145 **Hon. Chief Minister:** Mr Speaker, I take it that he did not like that analogy. (*Interjections*) But I was interviewed last week, Mr Speaker, by *PRWeek* in London, who wanted to interview me because of my use of language and how it had changed the way that Gibraltar's message went around the world, and how in fact, Gibraltar's message went around the world that week, in showing up the attitude of the Spanish Government and he might want to reflect on what he has said, because I do not think that anything that I have said was ill-judged. Neither Mr Speaker, has anybody ever come to this House to tell a Chief Minister that their language was ill-judged when he has been critical of Spain.

2150 Mr Speaker, the hon. the now backbencher, the Hon. Sir Peter Caruana, in 1998 or 1999, he will recall from my speech on the arrival of His Excellency, the Governor, where I actually took the House through some of the things that had happened in the past. The Hon. Sir Peter Caruana said, that something said by Señor Matutes at the time – and he can look at *Hansard* and see what it is that I was referring to – were mendacious lies. (**Hon. D A Feetham:** Yes.)

2155



In other words, the Right hon. the previous Chief Minister of Gibraltar called the Foreign Minister of Spain a mendacious liar.

2160 **Hon. D A Feetham:** He was calling a spade a spade.

**Hon. Chief Minister:** Apparently Mr Speaker, that is calling a spade a spade. Right, I think if the hon. Member looks back at everything I have said, he will not find me actually insulting directly the Foreign Minister of Spain. Whatever it is that I and every other Gibraltarian may think about his policies, he will not have seen me saying that the man has uttered mendacious lies.

2165 Now, if he looks at what I said, and it is quite remarkable that the Chief Minister is called upon by the Leader of the Opposition to justify his statements in relation to this matter, when I talked about North Korea, what I said was, that Spain was exaggerating in its reaction like North Korea exaggerates in its reactions (**A Member:** Ah!) and he will recall, Mr Speaker, that I was asked why I used that terminology and the exact reasoning was because in August, I think it was August 4th, Señor Margallo had given an interview to *ABC*, where he detailed all the things that were going to be done by Spain, as a result of Gibraltar having *inter alia* torn up the fishing agreement and created the artificial reef, etc, etc.

2170 And what I said at the time – and it was widely reported, I am surprised he now pretends he did not read it – was that this was an over-reaction *à la* North Korea. When there is a small commercial difference between them and South Korea, about how businesses operate in the de-militarised zone, etc, etc or with the United States, the reaction from North Korea is, ‘I am going to bring nuclear damnation to the Korean peninsula’ – not ‘we need to re-negotiate these terms.’ And that was the analogy I made and I think it is an absolutely appropriate analogy, and it is right that, as a result of that, Mr Speaker, the message of the people of Gibraltar went around the world. The things that were happening and are happening in some instances at the Gibraltar frontier were found out by people much further than usually find out about what is happening, and editorially, I think he will find that we had 90% to 95% editorial support in all newspapers in the world that covered this issue.

2175 I am quite happy, Mr Speaker, as I have said before, that the Government’s archive of newspaper information, etc should be made public and I am going to ensure that it happens and it is put on our website, so that the hon. Gentleman can see how many people around the world have read about the Gibraltar issue, the problems at the frontier and how editorial support came down on Gibraltar’s behalf, without having to spend a huge amount of money on advertising the world over.

2180 So Mr Speaker, I am not going to take advice from him on what vocabulary I should use. I would say this to him, Mr Speaker: look he likes to go around Spain making speeches that try to ingratiate him to some, whilst trying to do the balancing act of not falling entirely out of favour with people in Gibraltar. He knows, Mr Speaker, that one of the things he was saying, which was that the Government of Gibraltar had now not even been able to maintain a relationship with our socialist kindred on the other side of the frontier, was actually not true, that we have actually very strong relationships with the PSOE party.

2185 And he needs to reflect, Mr Speaker, on the fact that between 1996 and 2003, the Chief Minister of Gibraltar then, Sir Peter Caruana, the Leader of his Party who he has said is... I do not know whether he said is *the* or *among the* greatest Gibraltarians of all time, had absolutely no political interlocution with any Spanish political party at a national federal level.

2190 In other words, he was accusing the Spanish Foreign Minister of mendacious lies, he was having rows with the British Government, and from that, we move to a situation where joint sovereignty was almost visited upon our community.

2195 Today, Mr Speaker, this Government has an excellent relationship with the Socialist party in Spain, at the level of its national federal executive committee, as well as at the level of its municipalities, although of course we do not have to agree on everything. And second, we have a very strong relationship indeed with the British Government, which is today made up of Conservatives and Liberals, and with our sister party in the United Kingdom, the Liberal Party.

2200 So Mr Speaker, the position really is that my administration, although we still wish to establish a dialogue with the Spanish Government, is not talking to the *Partido Popular* in Spain, but we are talking to every political party in the United Kingdom and to the principal party of opposition in Spain and to *Esquerra Republicana*, which is another party in Spain that has wished to establish relations with us.

2205 Now, in those circumstances, Mr Speaker, I think actually if the hon. Member compares the actions of he who he calls the greatest, or one of the greatest Gibraltarians of all time, between 1996 when Gibraltar was last faced with a *Partido Popular* Government in 2003, with the excellent New Dawn Government of the Gibraltar Socialist Labour Party and the Liberals, I mean, he will find that perhaps we should not be taking his advice on how we conduct our foreign affairs, certainly not in relation to vocabulary.

2210 **Hon. D A Feetham:** Mr Speaker, I certainly do not accept that one can compare calling a spade a spade, which is ‘you have lied in relation to this position, in your criticisms or your statements in relation to Gibraltar’ – which is calling a spade a spade – to making a gratuitous ill-advised, *ill-advised*

comparison of Spain to North Korea, or accusing Spain of state-sponsored vandalism. I just simply do not accept that that is... I simply –

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

**Mr Speaker:** I am going to bring up a Point of Order, and that is that the hon. Members are now debating.

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**Hon. Chief Minister:** Mr Speaker, may I deal with the short Point of Order? You are absolutely right and I of course accept your ruling in that. But the short Point of Order is: I have said to him, I do not recognise that second part of his question. Can he please clarify when I have accused Spain of state-sponsored vandalism?

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**Hon. D A Feetham:** At the United Nations, Mr Speaker – that is *my* interpretation of what he said, it is the interpretation of many people that read his speech, including I may add, because I have been in Spain over the last two weeks delivering speeches, including many people in Spain – many people who actually are favourable and sympathise with Gibraltar's position. Because of the statements that he has made, he has alienated those people – he has become the problem, Mr Speaker!

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**Hon. Chief Minister:** No, Mr Speaker no.

Mr Speaker, I am not the problem any more than Peter Caruana was the problem between 1996 and 2003. The problem, Mr Speaker, as every Gibraltarian knows – and I know he knows it Mr Speaker, but he wants to win an election so desperately that he will say anything he has to say – the problem is the *Partido Popular*.

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Now, Mr Speaker, in my UN speech, I did not accuse anyone of state-sponsored vandalism. Now the whole of these sets of questions was premised on the hon. Member's view that no doubt the Government had paid for the SDGG to visit the United Nations, no doubt the Chief Minister had approved the speech of the Chairman of the United Nations, and therefore the Chief Minister of Gibraltar was to be imputed with his statements as to 'terrorism', state-sponsored terrorism, which is the word that would have fitted in there if that had worked.

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Mr Speaker, look the fact is that I had absolutely no knowledge that that was going to be said by Mr Matthews, in exactly the same way as Mr Caruana had absolutely no knowledge at the time that he went to the United Nations, that Mr Zammit, who sat next to Mr Caruana, and also did not have his ticket paid for by Mr Caruana, was going to say that the Spanish Government was trying to annihilate the Gibraltarians, right? He was trying to commit... and the Hon. the Deputy Chief Minister, as the brilliant historian that he is, remembers the word – that Spain was trying to commit *genocide* of the Gibraltarians. That was not my word. 'Terrorism' was not my word; it was the word of the Chairman of the SDGG. Genocide was not the word of Sir Peter Caruana, it was the word of Bryan Zammit as the Chairman of the UNA.

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But look, let us be very clear. What is it that I said at the United Nations that incensed people in Spain? It was not the North Korean thing; I did not say the North Korean thing in Spain...sorry, in the United Nations. I said in the United Nations, that Spain or one of the law enforcement agencies of Spain, the *Guardia Civil*, had shot at an innocent Gibraltarian in British Gibraltar Territorial Waters. That is the issue that people did not like in Spain about my UN speech, Mr Speaker. That was absolutely true, I trust that he accepts that it was true. It led to the Prime Minister of the United Kingdom – not the Chief Minister of Gibraltar, but the Prime Minister of the United Kingdom – to raise the issue with the Prime Minister of Spain, to the Minister for Europe to take the issue up with his counterpart, and to *notes verbales* and to a request for an investigation. But they did not like it when I said it in front of an international audience, and that is not to accuse them of state-sponsored vandalism, Mr Speaker.

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But I will say this, Mr Speaker, and I just put it on the record so that he knows, in case Mr Speaker, he ever, heaven forbid, were to become Chief Minister of Gibraltar, or were to be in a position to advise the Chief Minister of Gibraltar. I certainly hope that it is always, if anything, the latter and not the former! I said in my first speech at the United Nations in June 2012 as Chief Minister of Gibraltar, to the Spanish Government, 'Wake up and smell the coffee, Gibraltar will never be Spanish.' I do not know whether he agrees with that or not, Mr Speaker, but I can tell him, that the intense diplomatic activity that occurred after that was huge, because Spain just did not want to hear that expressed in quite those terms. He might not like that either. I love it, Mr Speaker.

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**Mr Speaker:** I am going to allow one further intervention from the Leader of the Opposition, and from the Chief Minister, and then that is the end of Question Time.

2280 **Hon. D A Feetham:** Mr Speaker, yes, we were on a Point of Order and he has just finished his Point of Order. I am not going to be responding to his Point of Order, Mr Speaker.

2285 Mr Speaker, I have to say that given his track record before he became Chief Minister for lack of judgement, and the lack of judgement that he has exhibited as Chief Minister, if *he* has become Chief Minister, I would suspect that many, many other people also have the necessary capability to become Chief Minister. Ultimately, if the people of Gibraltar – (*Interjections*) Ultimately if the people of Gibraltar want to entrust us with their trust at the next election, it is for them. It is not for me, and it is not for him.

2290 But I do sense, Mr Speaker, that hell is beginning to freeze over slightly and there is a change of tone from the Chief Minister in terms of the language that he has used, which I welcome and I congratulate the Chief Minister for back-tracking on the language that he has used in the past. Can he just put it beyond doubt, so that the message has absolute clarity emanating from this Parliament, that the Chief Minister in no way believes that the comparison between Spain and North Korea is a valid one, giving him the opportunity and that in no way does he believe that Spain is in any way responsible for state-sponsored vandalism towards the citizens of Gibraltar?

2295 **Hon. Chief Minister:** Mr Speaker, I really do not know which Chamber he is in. He does not seem to like to hear the answers that I give.

Look, Mr Speaker, as to who will or will not win an election in the future, I am not a crystal ball gazer and this is not an issue to be dealt with in Question Time -

2300 **Hon. D A Feetham:** I have not raised it.

2305 **Hon. Chief Minister:** Yes, you *have* raised it. But Mr Speaker, I will just say to him that he had the lack of political understanding to give an interview to *GBC* during the course of the last by-election at 12 o'clock in the evening, which was going to be aired at 11 o'clock in the evening after polls had closed, where he said, 'We are going to win this by-election' – and this was something that was going to come out after the polls closed – 'We are going to win this by-election by a very large margin'. 'By a very large margin'.

2310 **Hon. D A Feetham:** Mr Speaker, in the same way that he can raise points of order about accuracy, I will raise it. I did not say we are going to win it –

**Mr Speaker:** May I inform – ?

2315 **Hon. D A Feetham:** And it has absolutely nothing to do with this particular question that I have asked.

2320 **Mr Speaker:** May I inform both the Chief Minister and the Leader of the Opposition, that points of order have to do with the Rules of this House and not with questions of fact or opinion – nothing to do with questions of fact or opinion. That is not a Point of Order.

**Hon. D A Feetham:** But Mr Speaker, all I ask is that the Rules of this House are applied evenly as between the Opposition and the Chief Minister.

2325 **Mr Speaker:** Have I not applied them evenly? Have I not given – ?

**Hon. D A Feetham:** No, you have not!

**Mr Speaker:** Have I not given the hon. Member all the opportunity –

2330 **Hon. D A Feetham:** No, you have not!

**Mr Speaker:** – he wants this morning?

2335 **Hon. D A Feetham:** Mr Speaker, no, you have not on this particular occasion –

**Mr Speaker:** I have –

**Hon. D A Feetham:** No, no, let me explain, Mr Speaker. Let me explain, and I am not suggesting, Mr Speaker, that you have done it out of some intention on your part. But of course, he has just taken up a

2340 Point of Order, a few moments ago, basically saying that what I attributed to him was not true. That was the Point of Order. He raised that particular Point of Order.

I am doing likewise! Now, Mr Speaker did not say to the Chief Minister, 'That is not a proper Point of Order.' That is why I am saying that Mr Speaker should perhaps treat my Point of Order in the same way that he has treated his.

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**Mr Speaker:** Is he making the Point of Order? Are you making the point under a so-called Point of Order? I will let you do that and then having pointed out –

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**Hon. D A Feetham:** I made a Point of Order which is of exactly the same nature as he made –

**Mr Speaker:** I am sorry, I have got the floor.

And then, having pointed out that those are not points of order, I will not entertain them from any Member, and it is as simple as that.

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Now, he has an opportunity, I am giving him an opportunity, under a so-called Point of Order, to answer the Chief Minister. Then I will give him an opportunity to make one final supplementary and then that is the end of Question Time.

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**Hon. Chief Minister:** So, Mr Speaker, and then he went on to say that there was going to be a very large number of people coming out to vote – a huge number of people coming out to vote. Well, Mr Speaker, he got it completely wrong, so I think his predictions as to results of elections are very suspect.

In fact, I will take it, Mr Speaker, that when he says that my track record before I became Chief Minister is one to consider also suspiciously, I assume that he means the track record of the most successful Leader of the Opposition in our Parliament's history (**A Member:** Ah!) who took over, had the presence of mind to take over in April 2011 and become Chief Minister barely nine months later.

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Mr Speaker, I would recommend that he follows how I did it, but I would rather he did not, because I do not want him to win.

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Anyway, Mr Speaker, the Hon. the Leader of the Opposition also has a problem with his thermometer, because it appears that he thinks that hell is getting warmer and warmer and that therefore... or colder and colder and there is a chance that it is going to freeze over sometime soon. Well look, Mr Speaker, he is completely wrong about that too. I have not detected any change in the way that I deal with issues with Spain. I think I am still as robust and as clear in the way that I deal with these issues. He may not like it, because he obviously is recognising that in doing so, I am doing something right.

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But, Mr Speaker, he gets up here and says, 'Look, for you to compare Spain to North Korea was not a good thing and you should not have done it and it was bad for Gibraltar that you did.' And then, Mr Speaker, he gets up and he says, 'Now you have the chance either to say it again, or to say that you were wrong.'

2380

Well look, Mr Speaker, if he were right about the fact that it was a bad thing for Gibraltar to compare Spain to North Korea, which I do not accept, what is he doing, if he has got Gibraltar's interests at heart, inviting me either to do it again or to take a step back? What is he doing, Mr Speaker? He needs to reflect very carefully on that, because that is what he is doing.

And Mr Speaker, he does really come across as if he is defending the wrong litigant in this matter. He said he is a litigator, so let us look at it in those terms. He does come across as if he is not defending Gibraltar's best interests here. He seems to be holding brief for somebody else.

2385

**Hon. D A Feetham:** Well, Mr Speaker, it is the difference of approach. Of course we both have Gibraltar at heart, of course we both have. We both want to defend Gibraltar's vital interests. The difference between the hon. Member and myself is that I do not need to grandstand, I do not need to be the showman, I do not need to make-over-the-top, outrageous statements in order to defend Gibraltar.

2390

I have given him an opportunity for him to set the record straight. He has not taken it. I am just going to give him one final opportunity. Will he set the record straight, in the manner that I asked him a few moments ago, in relation to the statements that he has made in the past?

2395

**Hon. Chief Minister:** Mr Speaker, it is not about a difference of approach; it is about a difference of policy and he needs to understand it, because I do fear that he does not realise which party group he sits with, even though he purports to lead it. Although we know that he has got two Deputy Leaders on either side and there is one with whom I have great affinity, Mr Bossino as he knows, who I know feels perhaps exactly the same as we do on this side of the House. I just do not know about him any more, Mr Speaker. This is not about a difference of approach.

2400

Mr Speaker, they are looking at a Chief Minister who will *never* say that he will even *think about* recommending an Andorra-style solution to our people. That is not a difference of approach, Mr Speaker;

that is a difference of policy. And it is such a huge difference of policy, Mr Speaker, that we really come to this nub of the issue.

2405 The nub of the issue, Mr Speaker, is that diplomacy is not duplicity, (*Interjection by Hon D A Feetham*) and it is not one thing – and it is not the done thing to come and say one thing in Gibraltar in this Parliament and then go to Spain and do another.

2410 And the hon. Gentleman says – I assume trying to be funny – from a sedentary position that diplomacy is not my forte. Well look, Mr Speaker, he might think that. I assume he also thinks it of the current incumbent as Foreign Secretary of Spain, because if he thinks that the head of Spanish diplomacy (*Interjection by Hon D A Feetham*) is a good diplomat when he says ‘Gibraltar Español’, ‘The party is over’, and there will be no advances on regional or neighbourly co-operation, unless there are advances on sovereignty, then look, he and I have different definitions on what is or is not a good diplomat.

2415 He has not reflected, however, Mr Speaker, as I asked him to, on whether, having postulated that comparing Spain to North Korea was a bad thing, he wanted to invite me to do it again or to withdraw. He has not reflected on that, Mr Speaker. He has not reflected on the consequences of that. I think those sitting around him have, because it appears to have dawned on them what he was doing.

I will put it this way, Mr Speaker, and I will quote a politician that all of us have great affinity for, Mr Speaker, ‘They can turn if they want to. This Government is not for turning.’

2420

## Questions for Written Answer

**Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

2425

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W160 to W179 of 2013 inclusive.

2430

## Order of the Day

### SUSPENSION OF STANDING ORDERS

2435

#### Standing Order 7(1) suspended to lay Import Duty Regulations on the Table

**Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

2440

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of Import Duty Regulations on the Table.

**Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

2445

### DOCUMENTS LAID

2450

#### Import Duty (Franchise Regulations) (Amendment No. 4 ) Regulations 2013 Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013

**Clerk:** Papers to be laid. The Hon. the Chief Minister.

2455

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table: the Import Duty (Franchise Regulations) (Amendment No. 4) Regulations 2013; the Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013.

**Mr Speaker:** Ordered to lie.

2460

**GOVERNMENT MOTIONS**

**Motion notified on 19th December 2013  
At least five days' notice required  
Motion carried**

2465

**Clerk:** Government Motions. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2470

*'That this House approve, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion by the Hon. Chief Minister on 19th December 2013, and circulated by the Clerk on 19th December 2013.'*

2475

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried .

2480

**Ombudsman for Public Services  
Re-appointment of Mario Hook  
Motion carried**

2485

**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2490

*'That this House approve by Resolution, pursuant to section 3(2) of the Public Services Ombudsman Act 1998, the re-appointment of Mario Hook as the Ombudsman for Public Services for all the purposes of that Act with effect from Wednesday 1st January 2014 for the term of one year.'*

2495

Mr Speaker, the motion, to a very great extent, speaks for itself and I intend to say nothing more, other than to congratulate Mr Hook for the excellent work that he has done to date and give him the thanks of the community for that work already, and to look forward to another year of his continued hard work as Ombudsman.

2500

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Does any hon. Member wish to contribute?

**Hon. D A Feetham:** Mr Speaker, just to add my own voice on behalf of the Opposition, congratulating Mr Hook, and certainly the Opposition will be voting in favour of the motion.

2505

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye). Those against? Carried.

2510

**BILLS  
FIRST AND SECOND READING**

**Income Tax (Amendment) Bill 2013  
First Reading approved**

2515

**Clerk:** Bills, First and Second Reading.

A Bill for an Act to amend the Income Tax Act 2010. The Hon. the Chief Minister.

2520

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye). Those against? Carried.

2525 **Clerk:** The Income Tax (Amendment) Act 2013.

**Income Tax (Amendment) Bill 2013**  
**Second Reading approved**

2530 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

2535 Mr Speaker, in respect of this Bill, hon. Members will be aware that I have written to you certifying that this Bill is too urgent for the period of six weeks to elapse between its publication and the ability of the House to be able to consider it.

This is an issue which I know the Leader of the Opposition is aware of, he has discussed it with those who are responsible for the drafting of it whilst I was away from Gibraltar, and we expect that the matter would be dealt with on Thursday.

2540 Mr Speaker, Members will be aware that on 16th October 2013, the European Commission took a decision to open the formal state aid investigation procedure into two aspects of the Income Tax Act 2010. It published this decision in the official journal of the European Communities on 28th November 2013, inviting comments from third parties. The two aspects singled out by the Commission concerned the exemptions from taxation for (a) inter-company loan interest and (b) royalties income.

2545 Earlier this year, Mr Speaker, the EU Code of Conduct Group had found that the exemption for inter-company loan interest was a harmful tax measure under the criteria set out in the Code of Conduct on Business Taxation. The European Commission was also already indicating that this exemption was likely to constitute a state aid.

2550 Members will recall that without prejudice to our position that the section in question was not a harmful tax measure, we accordingly abolished this exemption by an amendment we made to the Act this summer, and which entered into force on 1st July 2013.

2555 The Bill, Mr Speaker, does exactly the same thing in relation to royalties. Specifically, it will abolish the exemption from taxation that currently exists for royalties income. The Bill follows the same format as that we used for the amendment this summer. It amends Table C of Schedule 1 of the Act so that it includes a new heading on royalties. Table C of Schedule 1 sets out the incomes which are subject to tax under the Act.

I had this amendment put to the European Commission by Government's team at a meeting in Brussels on Thursday, 5th December 2013. Commission case handlers reverted to us early last week, stating that the Commission's fiscal team were content with the amendment, although that cannot, for technical reasons, be the formal position of the Commission at this stage.

2560 That is the most we could have expected from them at this stage, but that is in itself important. By acting in this manner and amending the Act as we propose and the Bill, Government is delivering much needed certainty to the industry. It has also already effectively addressed the two concerns expressed by the Commission in its decision, opening the formal investigation procedure.

2565 Of course Mr Speaker, we make these amendments without prejudice to our arguments, that neither exemption constitutes state aid. We maintain that position in the formal investigation procedure as part of our defence.

2570 **Mr Speaker:** Before I put the question, does any other hon. Member wish to speak on the general principles and merits of this Bill?

2575 **Hon. D A Feetham:** Mr Speaker, I have been in contact with those who have drafted this particular Bill. It has been explained, the policy has been explained, the rationale has been explained and the Opposition will be supporting the Bill, and I have nothing further to add than what the Chief Minister has already said.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2580 **Clerk:** The Income Tax (Amendment) Act 2013.

**Income Tax (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

2585

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2590

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

2595

**Income Tax (Amendment) Bill 2013**

2600

**Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

2605

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the Bill clause by clause, namely the Income Tax Amendment Bill 2013.

Mr Speaker, can I before we move to the Committee Stage, I note that absent from my crib is a Bill that the Hon. the Minister for Financial Services was taking.

**Clerk:** It is at the very end.

2610

**Hon. Chief Minister:** Ah! It comes after. I see. Grateful.

**Clerk:** Yes.

*In Committee of the whole Parliament*

2615

**Income Tax (Amendment) Bill 2013**  
**Clauses considered and approved**

2620

**Clerk:** A Bill for an Act to amend the Income Tax Act 2010.  
Clauses 1 and 2.

**Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

2625

**Clerk:** The long title.

**Mr Chairman:** The long title stands part of the Bill.

2630

**Income Tax (Amendment) Bill 2013**  
**Third Reading approved: Bill passed**

2635

**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Income Tax (Amendment) Bill 2013 has been considered in Committee and agreed to without amendments, and I now move that it be read a third time and passed.

2640

**Mr Speaker:** I now put the question, which is that the Income Tax (Amendment) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.



**PRIVATE MEMBERS' MOTION**

2645

**Yorkshire Building Society Bill 2013  
Leave to introduce granted**

2650

**Clerk:** Private Members' Motion. The Hon. A J Isola.

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2655

*'That this House do give leave for the introduction by me of a Private Members' Bill, namely the Yorkshire Building Society Bill 2013.'*

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Albert Isola.

2660

**Hon. A J Isola:** I am grateful Mr Speaker.

Mr Speaker, as hon. Members know, the merger of Yorkshire Building Society with the Norwich and Peterborough Society took effect under the laws of England and Wales in November of 2011, pursuant to a transfer of engagements. These two societies continue as the Yorkshire Building Society. However, the transfer of engagements under the laws of England and Wales did not change the legal position in Gibraltar. This has therefore resulted in an anomaly which Gibraltar needs to be rectified.

2665

Hon. Members will be aware that in the past when lending institutions want to undertake this sort of legal entity, reconfiguration or restructure, that we facilitate that task by allowing them to do it through a Private Members' Bill. That is the nature of the Bill and it is similar to others passed in this House in recent years, to facilitate the corporate restructuring of lending institutions.

2670

Mr Speaker, the Yorkshire Building Society remains an important part of our sector. They remain committed to Gibraltar and the Government believes that it is appropriate for this House to assist them in this way by the passage of the Bill.

I commend the motion to the House, Mr Speaker.

2675

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Albert Isola. I now put the question in the terms of the motion proposed by the Hon. Albert Isola. Those in favour? **(Members: Aye.)** Those against? Carried.

2680

**PRIVATE MEMBERS' BILL  
FIRST AND SECOND READING**

**Yorkshire Building Society Bill 2013  
First Reading approved**

2685

**Clerk:** Private Members' Bill, First and Second Reading. A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society. The Hon. A J Isola.

2690

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society and the Yorkshire Building Society be read a first time.

2695

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

2700

2705 **Clerk:** The Yorkshire Building Society Act 2013.

2710 **Yorkshire Building Society Bill 2013**  
**Second Reading approved**

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

2715 Mr Speaker, as a result of the transfer engagements taking effect in November 2011 under the Law of England and Wales, Norwich and Peterborough merged with Yorkshire Building Society and the merged society continued as the Yorkshire Building Society.

2720 That transfer of engagements did not, and could not, operate to change the legal position in Gibraltar and accordingly, although Norwich and Peterborough no longer existed after 1st November 2011, those of its assets and liabilities which before 1st November were subject to the law of Gibraltar, continued to be so subject after that date.

The primary purpose of this Bill is to rectify this position with effect from the date referred to in the Bill as the appointed day – that is to say, a date to be appointed by myself as the Minister with responsibility for Financial Services.

2725 There is just one section of the Bill, Mr Speaker, which has retrospective effect, and that is section 9 to which I will refer specifically later. None of the other provisions in this Bill have any retrospective effect.

Section 1 is formal and in common form, Mr Speaker.

In section 2, subsection (1) defines the two societies. Sub-section (2) defines a number of the terms used in the Bill.

2730 Section 3, Mr Speaker, is a fundamental provision under which, on the appointed day, every Norwich and Peterborough asset will become an asset of the YBS, the Yorkshire Building Society, in respect of its Gibraltar branch. This provision is similar to that in previous banking transfer Bills.

2735 Section 4, Mr Speaker, again is similar to provisions in previous banking transfer Bills and excludes certain assets from the effect of section 3. Specifically paragraph (a) deals with interests in land other than those which are held by way of security, in effect, on the mortgages.

Section 5, Mr Speaker, deals with a variety of documents which on their face relate to the Norwich and Peterborough. With effect from the appointed day, these are made to relate to the Yorkshire Building Society. This section and section 6 are similar to provisions in previous banking transfer Bills.

2740 Section 6 deals with customer accounts which up to the appointed day were accounts of the Norwich and Peterborough. Under subsection (1) these accounts become accounts of the Yorkshire Building Society, subject to the same conditions that applied before the appointed day.

Section 7 again is well precedented in early banking transfer Bills and deals with disparate matters all designed to give a smooth transition from Norwich and Peterborough to the Yorkshire Building Society.

2745 Section 8 deals with proceedings which have been begun in error by Yorkshire Building Society before the appointed day and which, in the opinion of the court concerned, relate wholly or principally to the establishment or enforcement of a Norwich and Peterborough asset.

2750 Mr Speaker, section 9 is the one provision in the Bill which has a retrospective effect. This is because it works in favour of people who are mortgagors of Norwich and Peterborough and as they thought, took steps to repay their mortgages. In such a case, the Yorkshire Building Society will have purported to release a mortgage, which was originally a mortgage from the Norwich and Peterborough. The former mortgagor will have relied on this release, although Yorkshire Building Society did not in law have the power at that time to release the mortgage.

2755 If there were no retrospection in these limited cases, the whole matter of the release and consequential dealings, for example by a purchaser from the former mortgagor would be void, and would have to be reopened with the consequential costs and no doubt, distress. It is a condition of the operation of the section that the mortgagor consented in writing to the release.

2760 Section 10 is common form in banking transfer Bills, Mr Speaker, and in the case of this Bill, it provides the Yorkshire Building Society will meet the Government's expenditure in connection with the introduction and enactment of the Bill, the amount of the expenditure to be set by myself, as the Minister with responsibility for Financial Services.

I commend the Bill to the House, Mr Speaker.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2765 In that case, I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a second time. Those in favour: (**Members:** Aye.) Those against? Carried.

2770 **Clerk:** The Yorkshire Building Society Act 2013.

**Yorkshire Building Society Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

2775 **Hon. A J Isola:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2780 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

2785 **Yorkshire Building Society Bill 2013**

**Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

2790 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Yorkshire Building Society Bill 2013.

2795 *In Committee of the whole Parliament*

2800 **Yorkshire Building Society Bill 2013**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society.  
Clauses 1 to 10.

2805 **Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

2810 **Mr Chairman:** Stand part of the Bill.

**BILLS FOR THIRD READING**

2815 **Yorkshire Building Society Bill 2013**  
**Third Reading approved: Bill passed**

2820 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Yorkshire Building Society Bill 2013 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

2825 **Mr Chairman:** I now put the question, which is that the Yorkshire Building Society Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

2830 **ADJOURNMENT**

**Good wishes to all for Christmas and the New Year 2014**

2835 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

2840 And in doing so, of course Mr Speaker, although we are conscious as in all Parliaments that perhaps sometimes the workings of this Parliament descend into almost a festive farce, with people saying on either side, 'Oh yes he does, oh no he doesn't!' to each other, there is of course a great deal of personal affection, I hope between us all, and I would like to thank all Members of the House for the work they have done this year in their respective roles, and in particular yourself and your staff for having the patience to put up with all of us, and wish every Member of this House and our wider community a very merry Christmas and a very happy, healthy and prosperous 2014. (*Banging on desks*)

2845 **Hon. D A Feetham:** Well, Mr Speaker, it is a judicious statement that I can associate myself with, on behalf of the Opposition. (*Banging on desks*)

2850 **Mr Speaker:** May I wish all hon. Members a very joyful Christmas and a Happy New Year, and also extend those wishes to members of the staff, and indeed the Royal Gibraltar Police who are always in attendance when we are in session, and of course the members of the press.

I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

2855 The House will now adjourn *sine die*.

*The House adjourned at 1.17 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.17 p.m.

Gibraltar, Monday, 23rd December 2013

## The Gibraltar Parliament

*The Parliament met at 10.00 a.m.*

MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*

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

**Clerk:** Sitting of Parliament, Monday, 23rd December 2013.  
Answers to Oral Questions continued.

5

## Questions for Oral Answer

10

### HEALTH AND THE ENVIRONMENT

#### GHA complaints process Update on Ombudsman

15

**Clerk:** We are now going to proceed to the questions which are being posed to the Minister for Health and the Environment.

Question 811/2013, the Hon. Mrs I M Ellul-Hammond.

20

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 598, can the Minister for Health say when the GHA complaints process will be taken over by the Ombudsman, and at what stage they are in the process?

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

25 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no definite date yet. Advanced drafts of the procedure are currently under discussion.

30 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say if there will be a U-turn on the Government's manifesto commitment that complaints will be dealt with directly by the Office of the Ombudsman?

35 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical implication of what I have just said. The question was when the complaints process will be taken over by the Ombudsman, and I have said there is no definite date and advanced drafts of the procedure are currently under discussion. That does not contradict the Government's manifesto commitment that the process will be taken over by the Ombudsman; it is a question of how and how it is going to be implemented, but there is no change in that policy.

40

**Staff recruitment and retention  
GHA policy**

45 **Clerk:** Question 812, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what the GHA policy for the recruitment and retention of staff is, and what the terms for contract workers are, wishing to apply for permanent and pensionable status?

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

55 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, staff are initially appointed on contract terms, and these may be of variable lengths depending on the specialism or post, and they may have their contracts renewed or extended, depending on the circumstances prevailing at the time.

On the completion of four years' good performance, where there is no locally qualified or eligible person studying, training or available for the post or where no succession plan candidate has been identified, staff on contract terms may be offered indefinite employment.

60 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if rolling over 10-month contracts is legal, as per EU employment law? Would he know that?

65 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical supplementary to the question that I have just answered and therefore I do not think I need to reply.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say who decides on the terms and conditions and the length of the contracts of new GHA staff?

70 **Hon. Dr J E Cortes:** Mr Speaker, terms and conditions will be standard and the length of contract will depend, as I said in the answer, depending on the specialism or post and what the succession plan may or may not be. There are no two cases which are the same and there will be different line managers who are responsible for taking those decisions.

75 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister confirm that it is the line managers who make those decisions, not the Human Resources Department, or is it in conjunction with the Human Resources Department?

80 **Hon. Dr J E Cortes:** Mr Speaker, I am very proud to say that the Gibraltar Health Authority certainly now works as a team and when decisions have to be taken, which have a bearing on performance and employment, they will involve the managers in question and the Human Resources Department. On some occasions I may be involved, but usually I will not be.

**GHA contract workers  
Changes to gratuity offer**

85

**Clerk:** Question 813, the Hon. Mrs I M Ellul-Hammond.

90

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the 25% gratuity offer in lieu of permanent and pensionable status was removed from the contract of GHA contract workers?

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

95

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the 25% gratuity offer in lieu of permanent and pensionable status was removed on 1st January 2012, following the ending of the old pension scheme by the last administration.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say what has replaced it?

100

**Hon. Dr J E Cortes:** The Provident Pension Scheme, which was the one that replaced the old pension scheme. The Superannuation, the Provident 2, I think it is. I do not have that information. I have answered the –

105

**Hon. Miss S J Sacramento and Hon. N F Costa:** It is the Provident 2 and the Superannuation.

**Hon. Dr J E Cortes:** The Provident 2 and the Superannuation –

**Hon. Miss S J Sacramento:** Fund.

110

**Hon. Dr J E Cortes:** – Fund, I am informed by my colleagues.

**Hon. D A Feetham:** Yes, but the Superannuation Fund is a policy of your Government; it is not a policy of our Government.

115

Did I understand the Hon. Minister correctly? Did he say that the policy had changed as a consequence of changes that we had introduced to the pension system? Because the Superannuation Fund was something that was introduced by... sorry, I may have misunderstood you.

120

**Hon. Dr J E Cortes:** What I said was that gratuities were removed when the *old* pension scheme was removed. Gratuities were given because the old pension scheme was not available to short-term contract officers and when that scheme was done away with, gratuities were done away with, because they are now able to join the pension scheme.

125

**Hon. D A Feetham:** Can the Minister tell me whether people's contracts have been affected retrospectively? In other words, whether this has been something that has been introduced for future employees, respecting contracts, for example, of consultants that have been on this 25% of gratuity?

**Hon. Dr J E Cortes:** This is for new entrants; people who have a contract are bound to the contract.

130

**GHA contract workers  
Reduction in housing allowance**

135

**Clerk:** Question 814, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say why there has been a reduction in the housing allowance for GHA contract workers, and whether this financial incentive will be removed entirely from the contract of GHA contract workers; and if so, when?

140

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there has been no reduction in the housing allowance given to GHA contract workers and there are no current plans to remove this.

145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say what is the GHA policy on housing allowance for contract workers, if he knows?

**Hon. Dr J E Cortes:** Mr Speaker, at the moment, there is a housing allowance given to contract workers. That is the current situation and that is what I have just said.  
150

**GHA Human Resources Director/Strategic Development Executive Director  
Termination of contracts; payments received**

155 **Clerk:** Question 815, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say why the Director for the GHA Human Resources and the Executive Director for Strategic Development are no longer in employment at the GHA, and how much they were each given for terminating their employment contracts?  
160

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

165 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, these officers' departures from the GHA was by mutual agreement. The terminating payments were in accordance with the contracts that they had been given by the former administration and amounted to approximately £107,000 and £109,000 for Human Resources and Strategic Development posts respectively.

170

**District Nursing Charge Nurse  
Applications received; details of appointee**

175 **Clerk:** Question 816, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how many applicants there were for the vacant post of District Nursing Charge Nurse and who was successful in getting the job?  
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**Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there were three applicants. It would not be correct to publicly state the names and my Hon. and Learned Friend, the Minister for Equality, Social Services and the Elderly, pointed out on Thursday that this is in keeping with the Speaker's ruling.  
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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, have all three applicants been successful or just one chosen from the three?  
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**Hon. Dr J E Cortes:** Mr Speaker, the three applicants were successful.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, why were there the extra two charge nurse vacancies? Why were they not advertised separately at a later date, when the original vacancy advert was for only one charge nurse?  
195

**Hon. Dr J E Cortes:** Mr Speaker, this came at a time when management decided that it was appropriate for these specific posts to be at that level. It followed procedure established in 2006 by the former administration, when a vacancy for one post had been advertised, but management decided that two should be taken and in order not to delay things further and to require the whole process to start anew, the selection procedure was extended to include those. So there is no change in established practice.  
200

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say why a change in decision was made to move the employment from just the one charge nurse to now three charge nurses?  
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210 **Hon. Dr J E Cortes:** As I explained, Mr Speaker, this was as a result of the management of the section feeling that that was the more appropriate way in which to run this highly specialised section in which people are working largely independently, but carry a large amount of responsibility on their shoulders.

215 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Government now going to increase or double the number of community nurses too, commensurate with the doubling of these charge nurses in the community; and, if so, by when?

**Hon. Dr J E Cortes:** Mr Speaker, there is no current plan. As with all other matters in the GHA, we are constantly reviewing how we carry out our operations, but there is no current plan at the moment.

220 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does not the Minister agree that by having changed this decision at the last minute by management, by increasing... by offering employment to these *three* charge nurses after the issue of a vacancy notice for just *one* post, that other GHA staff may have been disadvantaged by not providing them with the opportunity to apply?

225 **Hon. Dr J E Cortes:** No sir. The Minister does not agree and, as I say, this is a practice which was following an established practice dating back to 2006. Maybe it happened then, but certainly I do not agree that it happened now.

230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that one of the successful applicants had, prior to the announcement of the vacancy, gone to the UK to undertake a course as a charge nurse manager for the community nursing and decided not to complete the course, and then later was taken on as a successful applicant?

**Hon. Dr J E Cortes:** Mr Speaker, I am not aware of those circumstances.

235 **Hon. J J Netto:** Mr Speaker, could I ask the Minister whether the decision to appoint the three applicants was that decision taken by the board which interviewed the three applicants, or was it taken by different sets of people above the individuals in that particular board?

240 **Hon. Dr J E Cortes:** Mr Speaker, the board is a board which selects its applicants and will have, I have to assume, found all three suitable. That is the only assumption I can make, otherwise they clearly would not have been appointed.

245 **Hon. J J Netto:** Well, Mr Speaker, he makes the assumption that that would have been the decision of the board, but yet he does not know. But he does not know either the fact that one of the applicants went to the UK to undertake that course prior to the application and he does not know that he decided not to complete the course either. It seems to me like the Minister for Health very conveniently chooses to ignore and assume things he does not... that may put him in a bad light and then take decisions in not answering questions here in Parliament.

250 Is it not the fact that the person that *he* knows, because he does know, who went to the UK to undertake such a course, decided not to do it, got the job now in the interview board because he happens to be an active GSLP member?

**Hon. Dr J E Cortes:** Mr Speaker, I think that –

255 **Mr Speaker:** Will the hon. Members of the Opposition make themselves responsible for the information that they are imparting?

**Hon. D A Feetham:** I think that that is a surprising question from the Speaker –

260 **Mr Speaker:** It is not.

265 **Hon. D A Feetham:** With respect, it is a surprising question (**Mr Speaker:** No.) because the Opposition *always* takes responsibility for the accuracy of the points that they make. This line of questioning is obviously a line of questioning with a purpose, and I think that unless Mr Speaker has *prima facie* evidence that we do not know what we are talking about, I do not believe that Mr Speaker ought to be making that point.

**Mr Speaker:** It so happens that Mr Speaker is the Chairman of the Public Service Commission.

270 **Hon. D A Feetham:** Mr Speaker, I do not understand –

**Mr Speaker:** No, No. I will say nothing further on the matter. I am just saying that it is a principle enshrined in the Rules and which I am glad to hear, from what the Leader of the Opposition says, that hon. Members of the Opposition make themselves responsible when they give information along the lines of the information that we have heard today. I am glad to hear that they make themselves responsible and that therefore, in their view, that information is accurate. That is all I want to say.

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280 **Hon. D A Feetham:** Absolutely. We hold ourselves responsible for the accuracy. This is the first time... I have been a Member of this House since 2007 and I am not the oldest Member of this House, but it is the first time that I have ever heard a Speaker make a point like that about accuracy when my hon. colleagues are pursuing a line of questioning on the basis of information that they have.

We would never... nobody in the Opposition would be asking any questions if we do not make ourselves responsible for the accuracy and Mr Speaker, if Mr Speaker has information that casts doubt on the accuracy of our line of questioning, and Mr Speaker, well look, he can tell us that our line of questioning is inaccurate because he sits in the Public Service Commission and he knows it is inaccurate, but I doubt very much that Mr Speaker can actually go that far.

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290 **Mr Speaker:** I am making the point because the information that has been imparted to Members of the Opposition is apparently not available to the Minister.

**Hon. Dr J E Cortes:** Mr Speaker, if I may just comment?

The implication from the hon. Member is that I misled Parliament. I have no knowledge of any course taken or not taken by the applicants. I believe that what I do know is that the three successful applicants are extremely good professionals – every single one of them. Whether or not they are activists of any particular political party is not relevant to whether they are good nurses or not.

295 I can assure you, Mr Speaker, that if that board selected them, they are excellent nurses, and I can confirm it was a board which was referred to the Public Service Commission and therefore is completely out of any influence from me as a Minister. (*Banging on desks*)

300 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister perhaps inform this House as to whether the decision to go from one to three charge nurses was a decision that was taken before the recommendation of the board and after the advert, or was it after the recommendation of the board?

305 **Hon. Dr J E Cortes:** Mr Speaker, I have not got the time line in front of me. I have answered the question I was asked: how many applicants and who was successful? I have answered part one because I can. I cannot answer part two. I do not have a timeline in front of me and so I cannot answer that question.

310 **Hon. D A Feetham:** Mr Speaker, but, of course as the Minister responsible, does he not agree with me that it is rather odd that here we have a highly... he described it as a 'highly specialised' service, and those are the words that he used in answer to my Hon. Friend, Mrs Ellul-Hammond...? Now, bearing in mind that this is a highly specialised service and he being a thorough Minister as I know that he is – I mean I have every respect for him – that in a planning situation in a highly specialised service, does he not agree with me that it is odd that we have a situation whereby there is an advert for one charge nurse, and lo and behold, at some stage we do not know when, whether it is before the recommendation of the board or after the recommendation of the board, it then goes from one to three people being taken on? Does he not agree that at the very least what it illustrates is a lack of planning in relation to a highly specialised service, as he has described it?

320 **Hon. Dr J E Cortes:** On the contrary, Mr Speaker, I think it shows that one is able to take advantage of situations. If a selection process was ongoing, then that is an opportunity to be taken so as not to delay things and it is absolutely identical, I repeat, Mr Speaker, except that instead of an addition from one to three, it was one to two – an identical situation which arose back in 2006, which nobody batted an eyelid about. So there is no precedent. This is something which has happened before. (Interjection) Sorry – there was a precedent there.

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330 **Hon. D A Feetham:** Well, Mr Speaker, yes, I do not dispute that in the past there may have been a situation where there has been... After the recommendation of the board, the report, for example, has recommended that there are two people that are highly, that are very, very good for this particular post and there is a policy decision taken at that stage to take two people. But you see that is very unusual and what we have here is an advert that has gone out for one and then ultimately three are taken on.

One always gets very good high quality applicants because the nature of our Civil Service is the fact that there are very good people, but one would have thought that in a highly specialised service, such as this one, that it would have been effectively demand led from the very beginning. One looks at what do

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Here the decision has been taken that we need one and then ultimately – we do not know when the decision was taken, whether before the recommendation of the board or afterwards – it is then three. Does not the Hon. Minister think that is unusual?

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**Hon. Dr J E Cortes:** It is unusual in the sense that it has happened twice, but it is not the first time it has happened. But nevertheless it was an opportunity clearly that the management took in order to be able to improve the service and take advantage of the fact that the procedure was already in motion.

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**Consultants' contract  
Details of negotiations**

**Clerk:** Question 817, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say who is dealing with negotiating the Consultants' contract and at what stage of progress are we in the process?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the GHA is negotiating with UNITE the Union as they represent the majority of consultants. The negotiations are going well.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that John Langan and Ernest Lima are still dealing with the negotiation of the consultants' contract?

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**Hon. Dr J E Cortes:** Mr Speaker, Mr Langan and Mr Lima are dealing on behalf of the GHA with the negotiations of the consultants' contract. Let me just add that they both finish their term... well, Mr Langan, who is the interim Chief Executive, Mr Lima was an advisor, and Mr Langan has continued leading because he committed himself when he took on the job to complete these negotiations, but since he finished at the end of August he has been doing this on a *pro bono* basis.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, seeing that the negotiations for this contract has been for over a year and a half, when will it be completed?

**Hon. Dr J E Cortes:** When an agreement is reached, Mr Speaker.

375

**Promotion of sexual health  
Department's policy**

**Clerk:** Question 818, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, with reference to the Government press release number 861/2013, can the Minister for Health say how sexual health will be promoted, in addition to the Minister's plans to publish HIV and AIDS statistics?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Public Health Department has developed a Health Improvement Strategy for Gibraltar, which includes sexual health as one of its key priorities for the next two years. The following are some of the initiatives that will be progressed within this programme area: (1) supporting education about sex and relationships in schools and youth settings; (2) providing access to good quality advice for all persons on sexuality, family planning and sexually transmitted diseases; (3) campaigning to reduce the prevalence of teenage pregnancies in our community; (4) supporting the establishment of a nurse-led sexual health clinic; (5)

encouraging access to HIV and STD testing for people who may be at risk; (6) improving the collection of anonymised local data to inform sexual health strategies; (7) producing relevant printed material.

395

In this, the GHA will continue to work with community groups, such as the Equality Rights Group, with which regular meetings have been held during the past two years.

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**New Mental Health Unit  
Opening date**

**Clerk:** Question 819, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister for Health said in his Budget Statement of 2013 that the new Mental Health Unit would be ready in October or November. Can the Minister advise when the facility will now be opening?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the unit has been subject to the delays typical of the construction industry; it is now due to open in spring 2014.

415

**Hospital referrals  
Patient costs**

420

**Clerk:** Question 820, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Written Question 135/2013, can the Minister for Health say (a) why there are no figures for April 2012 and June 2013 and (b) why the cost for sending patients to Xanit have more than doubled per month since September 2013?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there are no figures for April 2012 and June 2013 because the bills for the months in question were paid on the following month. The costs for sending patients to Xanit have increased because a number of procedures that used to be referred exclusively to the UK are now performed in Xanit. This reduces the inconvenience of families travelling to UK and makes visiting of relatives easier.

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The increase in referrals to Xanit has also coincided with a decrease in referrals to Spanish State Hospitals, due to long waiting times currently existing in the Spanish *Servicio Andaluz de Salud* system, which have worsened recently. In addition to this, there have sadly been a number of exceptional cases this year, which have involved long stays and expensive care.

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

Can the Hon. Minister say then if the service that was offered in the UK has now been... is being offered at Xanit, has there been also a reduction in the payment to the Department of Health for this sponsored patients' service as a consequence of the increase in payments to Xanit?

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**Hon. Dr J E Cortes:** Clearly, Mr Speaker, if we are spending the money in Xanit, that money will not be spent in the UK; however, because of the fact that this is totally unpredictable, there could be other cases going to the UK and therefore you will not necessarily see a corresponding decrease. What there has been is a considerable decrease in referrals to other Spanish hospitals, particularly, as I said before, Spanish state hospitals, because of increasing waiting times in particular, which have got worse in recent months and over the past year.

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I can say, however, that whereas there is an increase in referrals to Xanit, the total number of referrals to Spain was slightly down in 2013 or the first 11 months of 2013 in relation to 2012; but this is something that is not totally predictable. This is demand led and we are not going to refuse treatment to a deserving patient for reasons of this nature.

But globally I think I do have to point out one thing I said earlier, that it only takes one or two particularly difficult cases which have expensive care to make these figures rise considerably. It may be just one or two and so you cannot really relate it to the *number* of patients.

455

**Transportation of patients to hospital  
Use of new ambulances**

**Clerk:** Question 821, the Hon. Mrs I M Ellul-Hammond.

460

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if there is any truth in the rumour that a motorbike and its owner were transported in one of the new ambulances; and, if so, can the Minister provide details to Parliament?

465

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no sir. For the avoidance of doubt what I mean is that there is no truth in the rumour, not that I cannot say. There is no truth in that rumour.

470

**Gibraltar Medical Registration Board  
Transfer of UK powers**

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**Clerk:** Question 822, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the amendment to the Medical Health Act 1997 to provide for the compulsory registration of allied health professionals, can the Minister for Health say how will the powers of UK Governing Bodies be transferred to the Gibraltar Registration Board for the overseeing and policing of the ongoing requirements health professionals need to meet?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the amendment of the Medical and Health Act 1997 at long last establishes the Gibraltar Medical Registration Board as a regulatory authority for allied health professionals in Gibraltar.

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The law requires that the assessment of the qualifications and competence of the professionals is carried out by the respective UK regulator and not by the Gibraltar Board. Furthermore, any requirements laid by the UK regulator on maintenance of professional standards, continuous professional development or revalidation will be directly monitored by the UK regulator and impact upon Gibraltar *only* if registration is affected in consequence.

The UK regulatory bodies, in addition, have powers to oversee and police their registrants wherever they may practice. The Gibraltar Medical Registration Board will play a supportive role in this function.

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Complaints or allegations of poor practice made to the Gibraltar Board regarding allied health practitioners practising within Gibraltar will be investigated locally; and, except where the complaints are wholly frivolous, the Board will notify the respective UK regulator, who may choose to invoke its 'Fitness to Practice' procedure. Decisions arising from the procedure will be binding on the practitioner in the UK and inasmuch as they impact on the petitioner's registration, by consequence, also in Gibraltar.

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In addition, the Act also provides the Gibraltar Board with a range of powers to take independent action, which would be binding on registered practitioners within the territory of Gibraltar.

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**Culling of seagulls  
Duties of FERA and GOHNS**

**Clerk:** Question 823, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the discussion alluded to by the Minister at the Committee Stage of the Appropriation Bill 2013, regarding extending the duties carried out by FERA to GOHNS in relation to the culling of seagulls have now concluded, and if so, provide Parliament with details of the agreement?

515

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no, sir. They have not been completed.

520 **Hon. J J Netto:** Could the Minister perhaps elucidate as to why they have not concluded. Is there any sticking point, in terms of coming to a final agreement? I do recall that his comments at the Appropriation Committee Stage of the Bill, the Minister was saying that his intentions were to absolve the work being carried out in the past by referring to GOHNS. So perhaps if he could elucidate as to what the sticking points are in that discussion.

525 **Hon. Dr J E Cortes:** Mr Speaker, there are no sticking points. The discussions are still ongoing. It is a... I was going to say complex, but it is not a simple matter and the Department is dealing with it, with a view to implementing by the time the spring comes, which is when these measures need to be more effective.

530 **Hon. J J Netto:** So is the Minister envisaging a situation whereby after spring FERA will not carry out any further duties?

535 **Hon. Dr J E Cortes:** That is what I said at the time and that continues to be the situation at the present.

**Hon. J J Netto:** So in order to be able to carry out such duties in the future, will there be an extra amount of cost, or will the size of the budget for GOHNS increase accordingly?

540 **Hon. Dr J E Cortes:** Mr Speaker, the budget for the visits from FERA, I think was in the region in one year of close to £200,000 and another year £200,000 for people to come from abroad for six weeks, to carry out work, which local people were doing for much less over a period of a whole year. So therefore there is no intention to follow that practice. The intention is to use the expertise that is available in a more economically efficient way. I do not believe that the costs will be equivalent and certainly they will not be for a six-week period, they will be for a 52-week period.

545 **Hon. J J Netto:** Which will mean, therefore, an increase in the number of people dedicated within GOHNS for the culling of seagulls.

550 **Hon. Dr J E Cortes:** Mr Speaker, I am not going to publicly conduct the negotiations with any organisation here. We are looking at the way in which the work that was being done by FERA is going to be done in the future. Some of the work being done by FERA at the time probably did not need to be done, as I expressed at the time to the then Government of the time. But I am not going to go into details of discussions which are ongoing because it could compromise their outcome.

555

**West Place of Arms  
Criteria for selection as dog park**

560 **Clerk:** Question 824, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the written answer to Question W136/2013, can the Minister for the Environment state what has been the criteria for selecting the West Place of Arms as a dog park?

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

570 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the area was selected on the advice of the Gibraltar Responsible Pet Owners Group. Consultation with the Gibraltar Heritage Trust and the Heritage Division confirmed that the proposed use was consistent with heritage. This was later unanimously approved by the Development and Planning Commission.

575

**Gibraltar Cat Welfare Society  
Neutering of cats**

**Clerk:** Question 825, the Hon. J J Netto.

580 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 690/2013, is the Minister for the Environment aware that the Gibraltar Cat Welfare Society have been neutering cats for some years now; and if so, does the Minister know how many cats have been spayed on an annual basis?

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

585 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, I am aware. I am informed that 59 cats have been neutered this year, but I have not got any more information.

590 **Hon. J J Netto:** Does the Minister perhaps know whether this particular programme by the Cat Welfare Society will continue, because when I looked at their own website, it did not look to me like it was a function that was carried out every year. And as we have discussed in the past, here in Parliament, there is a need for a programme of this nature to be carried out, particularly in certain areas of Gibraltar, least to say the Upper Rock Nature Reserve.

So can the Minister perhaps inform the House whether this programme will continue into the future, either by them, or perhaps if they are not doing it, on a year-by-year basis by some other entity?

595 **Hon. Dr J E Cortes:** Mr Speaker, I am currently in discussion with the Cat Welfare Society to see how this programme can be continued.

**Clerk:** Question 829...

600 **Hon. D A Feetham:** Does the Hon. Minister have an idea of numbers of cats? Is there an effort to monitor the number of cats – the rise in population or decrease in population of cats? He knows that I live in the Upper Rock and my children have already adopted three kittens, I can tell him, that have been abandoned and there appears to me to be an increase in the number of cats. I mean, I do not know. I am just talking from my own experience of seeing them in the Upper Rock myself.

605 But is there a conscious effort on the part of the Government to basically monitor the numbers so that this particular problem can be kept on top of, because of course, as we all know, they are really wreaking havoc with wildlife in the Upper Rock in particular?

610 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we are attempting to monitor certain key areas to see whether we can have an idea of the cat population, but there is no data. So at the moment we can only guesstimate, but we are trying to monitor in the Upper Rock.

615 **Hon. D A Feetham:** And, Mr Speaker, is he satisfied that the neutering of the number of cats that they have neutered – I think he indicated 59 – that that is going to deal with the problem? How long does he think that it will take before it will deal with and keep the population of cats within manageable proportions and certainly within numbers that will not cause significant damage to wildlife in the Upper Rock?

620 **Hon. Dr J E Cortes:** Mr Speaker, the figure I gave is a figure provided by the Cat Welfare Society and so it is not that the Government has been... as far as I know it never has been, although it does and has supported the Cat Welfare Society in carrying out this work, it has not done it directly and 59 neutered cats will not solve the problem in the Upper Rock... so, no.

625 **Hon. J J Netto:** Mr Speaker, just by way of providing information, I have just seen on the Cat Welfare Society's website, from a report published in 2007, that they say, and I quote:

'Over three years the Society has captured, sterilised and released 1,190 cats on the Rock.'

630 So perhaps that is some of the work they have done in the past. Obviously my concern is if that kind of progress can be maintained and some of the answers have already been provided by the Minister.

635 **Culling of cats  
Monthly numbers**

**Clerk:** Question 826, the Hon. J J Netto.

640 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 691/2013, can the Minister for the Environment provide the monthly numbers of cats culled since 11th December 2011, as asked for, but not given.

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

645 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the number was given as an average, which mathematically is the number of cats culled per month and therefore the question was correctly answered. I now have to assume that rather than the monthly number, the hon. Member wishes to know the number per month. This information is provided in the schedule I now hand over.

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**Answer to Question 826/2013**

**Cats Culled**

Month	2012	2013
January	0	0
February	3	0
March	0	0
April	0	0
May	14	2
June	0	0
July	0	23
August	0	6
September	1	15
October	7	3
November	4	0
December	0	0

**Average** =  $78 \div 23 = 3.4$

655 **Hon. J J Netto:** Well, Mr Speaker, as the information may come now, but just to point out that if he goes to my Question 691, it asks the number of cats culled on a monthly basis. So I was right and he was wrong interpreting my question, but I will see the figures now.

**Hon. Dr J E Cortes:** Mr Speaker, I do not think I need to comment on that.

660 **Hon. D A Feetham:** He has very kindly provided a schedule and the culling appears to be really focused on three months in 2013: 23 in July; 6 in August; 15 in September. Then there are two other figures of 2 for May and 3 for October, but the rest is zero. There is a similar pattern also in 2012.

665 Can he explain this particular pattern of why there does not appear to be an even spread over months? It does appear to indicate that really there is no systematic programme spread over a year to deal with the question of feral cats by way of culling, which is one of the ways that obviously the Government, rightly in our view, is dealing with this particular issue.

670 **Hon. Dr J E Cortes:** Mr Speaker, we are talking about the cats here in urban areas and the way that this has been done in the past, and this was I think explained in my answer last time around, which although was converted to a written answer, because it was converted to a written answer there will not be a recollection of a discussion.

675 These cats have been culled as a result of a contract dating back to 2005, but the way that it has been operating for a number of years is that the cull has been activated by requests from the public, complaining about fleas or some other problems and it has been a result of that. Therefore when there has been a complaint, then the cull has been activated and therefore you will see this pattern, that suddenly there is culling and then it stops again.

680 The practice has been that it has been on the request of members of the community. Needless to say, there are those in the community who are not in favour of culls and I obviously recognise that as well. But the explanation of these stop and start figures is that they are following requests from members of the public.



**Hon. D A Feetham:** Mr Speaker, there are two points that arise from the answer that the hon. Gentleman has given and I am very grateful for it. One of them is that these are culls that have taken place in urban areas; the second is that it is a response to a request from members of the public.

685 Does he not agree with me that it does appear from that particular answer that really there is no systematic plan in terms of... that culling does not form part of the Government's plan to deal with the issue of feral cats in the Upper Rock, which he and I both recognise is wreaking havoc with wildlife, and in particular with an iconic species of Gibraltar, which is the Barbary partridge?

690 Can he explain why the issue of culling or culling as a legitimate form of control of feral cats has not been taken to the Upper Rock so that we can control the cat population there?

**Hon. Dr J E Cortes:** Mr Speaker, I think we have to distinguish the situation on the Upper Rock with that in urban areas. We must remember that there are those in urban areas who actually feed cats, and you may agree or disagree with them, but they are there, the people who do that, and who are very sensitive towards that; something that, as I say, whether you agree with it or not, you have to recognise... they are also members of our community.

695 The Upper Rock is a different issue. The way that the Upper Rock is being tackled is initially, as I said earlier, by monitoring and trying to determine what the scale of the problem is, particularly in areas which are more likely to have Barbary partridges, which are areas of more open ground rather than the dense vegetation. We are trying to build up a picture using a number of systems, which I can discuss later with the hon. Member opposite, to monitor, and then we hope to be developing a strategy to see how we tackle that so that the Barbary partridge can be protected.

**Hon. D A Feetham:** Can he give me a timeframe in relation to this, because we all recognise here that if we had a choice, you would not cull cats? That is the reality that one would not cull cats if one had the choice, but in a situation where they are impacting heavily on wildlife in the Upper Rock in particular, something as important to Gibraltar as the Barbary partridge, one would have thought that the Government would have perhaps been slightly more energetic in its attempt to get on top of the problem. Yes, because there is a sizeable population of feral cats in the Upper Rock.

705 So can he give me a timetable of when he thinks that perhaps the Government is going to be moving towards the Upper Rock in trying to cut down the population of feral cats in the Upper Rock that is causing such a problem with wildlife there?

**Hon. Dr J E Cortes:** Mr Speaker, we are in danger of having a really long discussion on Barbary partridge management, and I am happy to have that, but I do not know whether the rest of the Members particularly want to hear it.

715 There are a number of things here. Firstly, there is no way that no matter how much you do you are going to remove the full population of feral cats on the Upper Rock; therefore you have to concentrate on those areas where you want the partridges to do well, which means you concentrate on the areas which are better habitats for the partridges.

720 So what we are doing is we are in fact creating a new Barbary partridge habitat. We are monitoring those areas. We are in the final stages of acquiring Barbary partridges from Morocco and we want to time it in such a way that when we release these partridges, we are actually not releasing breakfast for cats. So we are timing it quite tightly and a lot of things have to slot in before we are ready to go.

725 **Hon. D A Feetham:** So just following on from that – this is my last supplementary question on this – so effectively the Minister envisages, in that very tight timetable for the acquisition and release of Barbary partridges, that when he releases those Barbary partridges, that he will have substantially dealt with the problem of feral cats in the areas where you are going to be releasing the partridges. Bearing in mind as well, of course, that that begs the question... I mean you are not going to be releasing them in fenced out areas.

730 So if you have a very large population of feral cats in the Upper Rock, they are bound to be moving, for example, to the area of Windmill Hill, where I presume that is one of the areas where he is going to be releasing some of these partridges, but can he perhaps shed some light in relation to that or give that guarantee to the House?

735 **Hon. Dr J E Cortes:** Mr Speaker, I sense the enthusiasm of the hon. Member opposite, and I am sure that behind it all he is extremely pleased that I happen to be Minister for the Environment. (**A Member:** Absolutely.) (*Interjections*) Mr Speaker, I did not hear that, but I am sure it was quite funny.

740 Mr Speaker, the idea is that this will work and that we will be able to ensure the ongoing success of the Barbary partridge or the *renewed* success of the Barbary partridge. But I really think, Mr Speaker, that from a question on monthly numbers of cats culled in urban areas, if I may add, to a discussion on the management of Barbary partridges, is probably – with respect to the hon. Member opposite, and I am

745 very glad to know that he shares my keenness for the species – I think that is probably as far as we need to take it at this point in time.

750 **Air pollution**  
**ESG concerns**

**Clerk:** Question 827, the Hon. J J Netto.

755 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 700/2013, is the Minister for the Environment not aware of the ESG communiqué of 16th October 2013, in relation to the concerns of air pollution?

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

760 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, he is. Question 700/2013 asks whether the Department for the Environment had received reports of, and I quote:

‘persistent heavy air pollution associated with rotten eggs or sulphur smells’.

765 Mr Speaker, it had not. It had received four isolated complaints, which is precisely what I answered.

**Hon. J J Netto:** Mr Speaker, in the ESG communiqué of 16th October, they talked about persistent heavy air pollution in the area of Waterport Terraces, the South District and the Port. They also talked about talking to the Government, meaning probably the Minister for the Environment, and talking to the Department of the Environment in relation to raising their concerns on this persisting air pollution.

770 Has he now had that discussion with the Minister and the Department of the Environment in relation to their concerns?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, I have very regular contacts with the ESG.

775 In relation to roundabout the time when the ESG issued their statement, which was on 16th October, there had been an approach, which I have recorded here on that day, from the ESG to the Agency. The matter was relating to smells that had occurred on the previous day and so it was difficult to investigate that particular instance.

780 There was subsequently a report the following day, not from the ESG, which was investigated. It appeared that there was an issue with a ship that had come into port with ammonia; but ammonia does not smell like rotten eggs and so it was probably unrelated to the previous one.

Certainly, I am glad to say that the large spate of smells related to bunkering, which happened a few years ago, has not happened, and these continue largely to be isolated incidents.

785 **Upper Rock Nature Reserve**  
**Temporary closures of pathways**

790 **Clerk:** Question 828, the Hon. J J Netto.

795 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which pathways, green areas and walking routes in the Upper Rock Nature Reserve have been temporarily closed as a result of the comments made by the Minister of Heritage at the Heritage Trust AGM, in which he stated that what he saw were ‘death traps’?

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

800 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, as a result of continuing works to improve public access to the Upper Rock, works are ongoing in the Douglas Path/Mount Misery area, and access to a section south of the cable car top station has been closed off pending works.

This information is about a week old, Mr Speaker, and those works may have progressed since then. But, if you remember, we adjourned from last Thursday and I have not had the opportunity to check this morning.

805 **Hon. J J Netto:** Mr Speaker, just for the sake of clarification, is the Minister saying that this particular pathway that he is referring to was closed about a week ago? Is that what he is saying?

**Hon. Dr J E Cortes:** No, Mr Speaker.

810 There has been ongoing works in Douglas Path and what is known as 'Mount Misery'. Another section, which is south of the cable car top station, which is the other peak, so to speak, north of Mount Misery, has been closed off pending works. It is those works that I am not sure whether they have been carried out or not. The ones to Douglas Path and Mount Misery were ongoing when this answer was drafted and so they may well have been completed or will be nearing completion.

815 **Hon. J J Netto:** But in any case, what the Minister for the Environment is referring to is one particular pathway which has been temporarily closed. The impression that the Minister for Heritage gave, at the Heritage Trust AGM, was that there were many green areas and pathways in the Upper Rock Nature Reserve which were death traps. That is the impression, at least as quoted in the press.

820 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, if I may, since he is alluding to me, the fact is that what I said in the Heritage Trust AGM was that there was *one* place and that is Mount Misery, which is what my colleague is just stating. I can tell him for his peace of mind that I went there the next day, with a Health and Safety officer, and that is the place which is now blocked off for safety reasons. There is no pathway. There is no other place. It was just one specific place and that  
825 was blocked off. It is still blocked off until works are now done.

#### Waste disposal/management Government plans

830

**Clerk:** Question 829, the Hon. J J Netto.

835 **Hon. J J Netto:** Mr Speaker, further to Question 694/2013, can the Minister for the Environment state what will be the waste disposal options that the Government will embark upon, following the completion of the specialist report by Ramboll in January 2013, providing a timeline for the implementation of such policies?

840 Can I just add Mr Speaker, my understanding is that I gave notice of the question... I mean the deadline for the notice of the question was on Thursday, 12th December, and I believe the Government issued a press release on 16th December to the press, which is this one which I have got here, in a way that puts the position quite difficult because I am trying to ask a question for which already some of the answer may have been put on the public notice by the press.

845 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may answer that point first. We are talking about two separate documents. The question which I have, and I am about to answer, Question 829 refers to a report by Ramboll which was a report on waste management options for Gibraltar.

850 The Waste Management Plan, which is the one that the hon. Member referred to in his last comment, is the Waste Management Plan for Gibraltar, which is independent – totally independent. It is a completely different document and it is an EU requirement that had to be published by a certain date and we did meet the timeframe. So it is a completely different document, and one is only to do with the other in that they are both talking about waste, and that clearly, if we commissioned a report in January to talk to us about waste options, clearly some of that will be reflected in the Waste Management Plan, but it was certainly a completely different document and in no way will one have affected the answer that I am  
855 going to give you, which if I may, I will now proceed to give the formal answer.

860 Following completion of the Waste Treatment Options Assessment Report, undertaken by Ramboll in January 2013, Government resolved to invite tenders in the Official Journal of the European Union and local press for the design, build, finance and operation of a waste treatment facility. Government wishes to provide waste treatment facilities locally, with the aim of achieving the highest environmental standards in the treatment of its municipal solid waste and urban waste water treatment by-products, tyres and other bulky items.

865 Government's principal requirements for the waste treatment facility are the following: (1) a waste reception, sorting and storing facility for specific and separate waste streams; (2) a material recovery facility which will recover recyclable materials from the municipal waste stream; (3) a waste treatment plant of which technologies of advanced thermal treatment would be considered; (4) a facility capable of (i) generating electricity; (ii) and/or producing potable water; (iii) and/or producing biodiesel; (iv) and/or

producing syngas; (v) handling and treatment of ad-hoc waste; (vi) handling and treatment of saline sewage sludge.

870 The tender was advertised on 14th February. The tender stage has now closed. Government is currently reviewing the tender submissions and will be in a position to make a decision in the first part of next year.

875 **Hon. J J Netto:** Mr Speaker, does the Minister for the Environment have a timeline in relation to when they would like to see, at least tentatively in operation, the new waste treatment plant?

880 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible. This is something that is well overdue and something that this Government has taken on with great fervour. Clearly, we needed to have the consultant's assessment, which is the report that I referred to in January 2013, and then that was used to inform the tender process. The tender process is currently reaching its final stages and I would like to think, clearly it depends on what the different options are and what tenders are finally provided, but I would have thought that certainly, within this term of Government, we should see the waste plant operational.

885 **Hon. J J Netto:** I think Mr Speaker, with respect; I might have lost the last part of the words of the Hon. the Minister of the Environment. Did he give an indication as to by when the new waste treatment plant will be operative?

**Several Members:** As soon as possible.

890 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible, and my wish would be that it would be within this term of Government; but certainly it depends on the details of the selected tender.

895 **Hon. J J Netto:** So basically he is not in a position right now at least, whether it is in 12 months' time or 24 months' time.

Can I also ask the Minister what is the location as to where the waste treatment plant might be located?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, the intention is still to have it on the Governor's Cottage site.

900 **Hon. J J Netto:** Is the Minister perhaps in a position to tell the House what percentage of electricity may be able to be produced by this waste treatment plant at this moment or will he have to wait for the completion?

905 **Mr Speaker:** That cannot possibly arise from the original question.

#### Upper Rock Nature Reserve: A Management and Action Plan Implementation of recommendations

910

**Clerk:** Question 830, the Hon. J J Netto.

915 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which recommendations of the 'Upper Rock Nature Reserve, A Management and Action Plan' have been implemented since 9th December 2011, which ones the Minister intends to implement in the next 24 months, and which ones the Minister feels that he will not be able to implement and why?

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

920 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the recommendations that will be implemented for the Upper Rock Nature Reserve and the wider Gibraltar Nature Reserve will all be fully laid out in the upcoming management plan that is being drafted by the Department of the Environment in consultation with the relevant stakeholders.

925 In any case, there are some notable recommendations that have been put into effect since 9th December 2011, which include: (1) extending the boundary of the Nature Reserve to include other important habitats, such as the Great Sand Slopes, Windmill Hill, Jacob's Ladder and Europa Point foreshore; (2) clearing areas of dense vegetation within the reserve; (3) appointing wildlife wardens; (4) reviewing traffic flows in the Upper Rock as part of the Traffic Management Plan; (5) establishing a

930 Caves Working Group, along with monitoring cave biodiversity and protecting specific caves and tunnels in the Upper Rock, by means of grilles and fences; (6) facilitating and supporting the monitoring of bat populations in Gibraltar as part of the Gib-Bats Project –this has already resulted in a new species of bat being recorded in Gibraltar, namely the Isabelline Serotine bat; (7) improving paths in the Upper Rock; (8) continued removal of invasive species.

935

**Control of Barbary Macaques  
Access to Mount Alvernia**

940 **Clerk:** Question 831, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister of the Environment say if there are any permanent plans to avoid having Barbary Macaques entering into Mount Alvernia in the near future?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, management and staff at Mount Alvernia have been inducted in what measures they should take to discourage the monkeys. This includes ensuring staff and visitors do not provide food, making bins monkey proof and dealing with the scaffolding that has been in place for years.

950

**Hon. J J Netto:** Mr Speaker, can I just say that while the scaffolding has been there for many years, it is the case that the macaques are venturing into the homes more often, into the actual bedrooms of the residents there in Mount Alvernia, in frequent numbers, particularly lately. Whilst all the measures that the Minister has announced just now are positive steps in the right direction, it may not preclude the fact that macaques will continue to get inside the bedrooms of the residents.

955

For that particular aspect of the question, does the Minister not see that perhaps the staff in Mount Alvernia might need some extra help or resources, in conjunction with either the Department of the Environment or perhaps some other entity?

960

**Hon. Dr J E Cortes:** Mr Speaker, they are getting that. They are getting regular visits from the macaque team and being encouraged and advised on how to deal with this; so that is happening. There is constant contact.

The monkeys were attracted initially to fruiting trees in the gardens of the Mount and then discovered the bins and apparently people started to put food out for them, which is clearly something that we must all discourage. So the situation is being handled with the support of the team.

965

970

**Varyl Begg Estate  
Pigeons culled in last six months**

**Clerk:** Question 832, the Hon. J J Netto.

975 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 696/2013, can the Minister for the Environment say how many pigeons have been culled in the last six months in Varyl Begg Estate?

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

980 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, four pigeons have been culled in Varyl Begg Estate in the last six months.

**Hon. J J Netto:** Mr Speaker, the reason why I am raising this particular question is because I have had representations being made to me by tenants of Varyl Begg Estate. In fact, I have taken the trouble myself of taking some pictures of the amount of pigeons, and I would say not just in the Varyl Begg Estate, because the whole area that is being affected by all this is, is practically the whole of the west side of Gibraltar. There are literally hundreds and hundreds of pigeons just flying around that particular area of Gibraltar.

985

Could I ask the Minister, on behalf of the tenants in Varyl Begg Estate, whether a particular effort could be made to tackle this over population of feral pigeons in that part of Gibraltar?

990

995 **Hon. Dr J E Cortes:** Mr Speaker, I am glad that the hon. Member has said that pigeons fly, because I thought that he had forgotten that fact, and the fact that four have been captured in Varyl Begg Estate does not mean that those that have been caught elsewhere are not ones that also frequent Varyl Begg Estate. They do fly between areas and therefore you cannot say that only four of the ones that use Varyl Begg Estate have been culled.

This is a concern. There is a large number of feral pigeons, as there have been for many years, and this is something that my Department is addressing with a view to introducing a programme which will be able to tackle this.

1000 **Hon. J J Netto:** Mr Speaker, can I invite the Minister, perhaps, to give some details of the particular programme he envisages will be implemented?

1005 **Hon. Dr J E Cortes:** Yes, before I do that, Mr Speaker, I will refer to my answer last time, which was that there have been 1,347 pigeons culled overall, so it is not that nothing is happening. Increased deployments to a number of areas in order to be able to attempt to bring the population down and also we are considering whether the feeding of pigeons is something that should be tackled as to whether or not that should be illegal.

1010 At the moment it is, in the sense that if you put out food, you are putting out litter, but there is not any specific targeting of the feeding of pigeons. Particularly in certain areas, like, for example, happened in Trafalgar Square, where it was made contrary to regulations, local regulations, to feed them in Trafalgar Square, it may be that we need to look at that, and that is something that is being looked at.

1015 **Importation of trees and turf from Italy and UK  
Carbon footprint cost**

**Clerk:** Question 833, the Hon. J J Netto.

1020 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing 140 trees from Italy for the Commonwealth Park, compared to a closer jurisdiction, such as Portugal or Spain?

1025 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 834.

1030 **Clerk:** Question 834.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing turf from the UK for the Commonwealth Park, as compared to a closer jurisdiction, say Portugal or Spain?

1035 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the trees for the Commonwealth Park were purchased from Italy because Italy is the main producer of quality trees in the Mediterranean.

1040 It was absolutely essential for the establishment and success of the park that trees were purchased from the most reputable and reliable source possible. Trees are distributed throughout Europe from Italy, so that, for example, many of the trees that are used for landscaping in the UK arrive from Italy, either directly or indirectly, via Germany and the Netherlands. In fact, some of the best trees that are sold in Iberia are purchased in Italy and grown on in Iberia. So that purchasing closer to Gibraltar does not necessarily reduce the total distance of journeys for the trees.

1045 The trees for the park arrived from Pistoia, Italy, in five articulated lorries. The carbon footprint for the journey will have been about an estimated 29 tonnes. This is offset by the estimated amount of carbon sequestered by the trees so far, which given their sizes is about 103 tonnes. This offset would also cater for the higher quality turf being imported from the UK, about 28 tonnes, rather than a closer jurisdiction.

1050 The expertise that Italian growers have in packing these trees into lorries – 140 trees in just five lorries – means that although the distance covered is of course significantly greater, a larger number of lorries are likely to have been used had the trees been purchased in Portugal or Spain.

1055 It is doubtful, furthermore, that trees purchased in Iberia would have approached these Italian trees in quality, size and health. These factors would of course affect future growth and longevity positively, both of which will of course enhance future carbon sequestration.

1060 When all of these factors are taken into account, it is highly unlikely that there would have been any reduction at all in carbon footprint had these trees been purchased in Iberia. Quite apart from this, there is of course a net gain in carbon sequestering as a result of the new park, regardless of the trees provenance, so the park reduces Gibraltar's carbon footprints.

**Hon. D A Feetham:** Mr Speaker, what about financial cost? Before the Hon. Minister or Members of his staff went out and ordered these trees, was there an investigation of prices elsewhere in Spain, Portugal, or closer to home, where it might have been cheaper to purchase these trees?

1065 At the end of the day, I understand that it is always desirable to obtain the best possible quality, but when you are in Government, one balances the cost of best quality with obtaining reasonable quality at a lower cost that turns out to be better value for the taxpayer.

1070 **Hon. Dr J E Cortes:** Mr Speaker, I am sure I cannot detect anything behind the words of the Hon. Leader of the Opposition which may suggest that he would rather the trees died, and therefore that we got less quality trees. *(Laughter)* I say this, apart from the intention of perhaps making it a more jovial tone today, it is after all two days before Christmas, because clearly we need to have quality if this is going to be a park that will stand the test of time.

1075 It was not asked and so I do not have a cost for the trees, in particular, with me, but clearly they are the best trees available in the Mediterranean and the long-term cost benefit of acquiring these trees is something that is absolutely clear.

## ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

1080

### Job vacancies offered to employed persons Government's policy

1085 **Clerk:** Question 806, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, can the Minister for Employment state whether it is the Government's policy not to offer vacancies to those in employment?

1090 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, as this House has been told previously, the majority of the vacancies open since 2011 have been filled by persons who were not registered as unemployed.

1095 **Hon. D J Bossino:** And presumably the answer is that it is in the Government policy, given that on the ground, according to what the Minister is saying, it is not happening.

1100 **Hon. J J Bossano:** Well, Mr Speaker, it follows, as night follows day, that if the vacancies had not been opened to everybody, then it would not have been possible for the vast majority of them to have been filled by people who were not registered as unemployed.

Clearly, every time that somebody who is employed already gives up a job in the private sector and takes up a job in the Government, the unemployment figures do not go down, but there is nothing I can do about it.

1105

### Definition of 'disabled' Government review

1110 **Clerk:** Question 807, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government say when the definition of 'disabled' will change to ensure that all those who suffer disability, at whatever stage in their lives, will

1115 be entitled to disability benefits, what criteria will be used to define disability and at what stage is Government in the review of disability in our laws?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1120 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Government is in the process of establishing clear and objective criteria to address the problems faced by those who become disabled, but were not born with a disability. This will be completed within the lifetime of the Parliament.

1125

**Leisure Construction and Maintenance Company Limited  
Number of employees**

1130 **Clerk:** Question 808, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can Government provide details in respect of the number of employees who may have been employed since the answer provided to Question 650/2013 by Leisure Construction and Maintenance Company Limited, broken down by grade, age, gender and nationality?

1135 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, none have been employed since the answer to Question 650/2013.

1140

**Health and Safety  
Provision of November 2013 statistics**

1145 **Clerk:** Question 809, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide the November 2013 statistics to Parliament of Health and Safety, as these were unavailable on the Government website when the deadline to hand in the Opposition's Questions to Parliament expired?

1150

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I now hand over to the Member the information required.



**GIBRALTAR PARLIAMENT, MONDAY, 23rd DECEMBER 2013**

Table HS.1

**Monitoring Activities, 2013**

Industry Sector	November							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	3	9	2	12	4	-	4	34
Education	-	-	-	-	-	-	-	0
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	1	-	-	-	-	-	1
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	0
Medical & Health Services	-	-	-	-	-	-	-	0
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	3	-	-	-	-	-	-	3
Repairs Consumer Goods	-	-	-	-	-	-	-	0
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	1	1	-	-	2
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	2	-	-	-	1	-	-	3
Shipbuilding/Marine Repairs	-	-	-	1	-	-	-	1
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
<b>Total</b>	<b>8</b>	<b>10</b>	<b>2</b>	<b>14</b>	<b>6</b>	<b>-</b>	<b>4</b>	<b>44</b>

Updated 1 December 2013

**Occupational Reportable Accidents, 2013**

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

Updated 1 December 2013

Table HS.3

**Enforcement Activities, 2013**

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

Updated 1 December 2013

Table HS.4

**Number of times legal advice has been sought during the month in relation to the number of inspections conducted, 2013**

As at	Advice
November 2013	-
<b>Total</b>	<b>-</b>

Updated 1 December 2013

Source: Ministry of Enterprise, Training, Employment and Health & Safety

Table HS.5

**Reasons for Factories Inspectors issuing Improvement and Prohibition notices, 2013**

As at	Industry Sector	Improvement Notices	Prohibition Notices	Reason
30 November 2013	Construction	1	-	1. Failure to have a supply of clean hot and or warm, water; 2. Failure to have adequate and sufficient lockers and changing rooms.

Updated 1 December 2013

Source: Ministry of Enterprise, Training, Employment and Health & Safety

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**Mr Speaker:** The supplement is rather lengthy. Could I suggest that we go on to the next question and the hon. Member can come back and ask supplementaries when he has studied the information? Okay.

**Hon. J J Netto:** It will not be necessary, Mr Speaker, because subsequent to the closing date, it is on the website. So I have got it here with me, so I can ask the supplementary question straight away.

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Mr Speaker, could I ask the Minister for Health and Safety, because I have been looking at one of the tables in particular... I am referring to the table for monitoring activities and I do not know whether he has got it in front of him – monitoring activities for the month of November we are talking about – and I can see that there was a total of 44 activities, which are later broken down by each particular component. But of the total of 44, 34 correspond to the construction industry. Now the construction industry is just one industry group of 21 within the labour market, and that represents 77% of the total amount of monitoring activities for the month in November of the total. Could the Minister perhaps give an explanation why this unusually high figure of 77% is dedicated just on the construction industry?

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**Hon. J J Bossano:** Yes, Mr Speaker, I can give him the same explanation that I gave him the last time he asked an identical question, which is that construction activities take place in sites that stop being work places when the work is completed and open up new sites. Whereas if he looks at the rest, it is all inspections of permanent places of shops, retail trade and road transport. In all those cases the place to be inspected is inspected and if the inspectors do not find anything wrong, they do not have to keep on coming back.

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But in the construction sector, you can have one construction company and they are opening new sites every month and completing work on other sites. The pattern is the pattern that is normal, has always been there, and it is explained by the fact that construction companies are mobile from site to site, but shops are not, they are always in the same place.

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**Hon. J J Netto:** Yes, Mr Speaker, I do accept part of the answer given by the Minister, in the sense that construction sites are mobile and therefore the Health and Safety Inspector will want to inspect every, perhaps, new particular site that emerges in a particular construction; but the fact is that the figures are simply disproportionate. (*Interjection*)

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When you look at it in the month you have a total of 77% of the time dedicated to monitoring to that particular industry group. There is – and I have done an exercise myself and I do not want to go into a lengthy explanation here because it is Question Time – a particular industry group in the whole of this year which has not had one single inspection at all within the labour market. It just shows that there is a disproportionate amount of time dedicated only exclusively... well, I would not say exclusively, but *mainly* on the construction industry, to the neglect, perhaps, of other industry groups.

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Can I ask the Minister, because it is Question Time, whether he can discuss this with his own officials in order to see that other industry groups have some attention as well, because at the moment they are not having any attention at all?

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**Hon. J J Bossano:** No, Mr Speaker. I will not do that because I do not think it is my job to tell the Health and Safety Inspectors how best to conduct the activities that they are required to conduct under the law. I do not think that I am qualified to tell them that the amount of time that they spend going to a construction site is disproportionate. I do not know if that was the practice before 2011 and I will find out if it was, but it is certainly not the practice now and I do not intend to introduce it.

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**Hon. D A Feetham:** Well, Mr Speaker, and I see the Hon. the Minister for Financial Services laughing. It is not a laughing matter –

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**Minister for Financial Services and Gaming (Hon. A J Isola):** I was laughing at you!

**Hon. D A Feetham:** The reality is that the Hon. Mr Netto has pointed out that there are industry groups that have not received any visits from inspectors at all. He may not give instructions to inspectors as to who to visit or who not to visit, but ultimately he is politically responsible if inspections are not being conducted with the efficiency that they ought to be conducted, and that there are industry groups that are being, effectively, neglected or not being inspected.

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Does he not believe that that is a matter of concern? At least will he not undertake to go back and to actually look at the split, in terms of industry groups of inspections, and if there is a particular problem by way of neglect of a particular sector, that perhaps he ought to have a word with his inspectors and at least ask why it is that these industry groups have been neglected or there were no inspections in relation to them?

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**Hon. J J Bossano:** No, Mr Speaker. I will not do any of that because I do not think that just because the hon. Member opposite gets it into his head that there is a huge neglect of people who are at serious risk or small risk or any risk at all, when there is overwhelming evidence that the vast majority of accidents at work happen in areas, like the construction industry, where people are at risk and it is quite

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1220 obvious that the level of risk that takes place in... simply because anybody that has been at work knows that in an office with lawyers, is not the same as when you are going up scaffolding on a building site. So clearly, the inspectors, who know their job and are professionals, are doing the work in the way they think is more efficient.

1225 Let me say that this new interest in Health and Safety is surprising, when in fact I made public recently the fact that there is a requirement in the 1996 Regulations that every single entity in Gibraltar should produce a risk assessment and keep a record of places where there are more than five, and the Department had no evidence that that had been complied with. In fact, I am now in the process of ensuring that in areas where it has not been complied with, after somebody approaches the employer to find out if it is there, if there is a record, it will be done. I have given a public commitment that every  
1230 single employer will have a risk assessment required of them, as the law states, within a year.

I do not think that there is more that can be done to do what is the basic thing, which is to do a risk assessment. When that has not been done, surely the risk assessment that is going to be done over the next 10 months will show us whether there are other areas that potentially we should be devoting more attention to.  
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**Factory Inspectors  
Reason for seeking legal advice**

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**Clerk:** Question 810, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer given to Question 704/2013, can the Minister for Health and Safety say for what reason or reasons did the Factory Inspector seek legal advice in the month of October?  
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**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the legal advice pursued by the Inspectorate was on how to proceed after an improvement notice issued to GFI was appealed.  
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**Hon. J J Netto:** Was this improvement notice issued in September?

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**Hon. J J Bossano:** I believe it was.

**Hon. J J Netto:** And was the reason for the legal advice because the employer, in this particular case, was not putting right, basically, what the Factory Inspector had placed in the improvement order?

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**Hon. J J Bossano:** Well, as the original answer states, Mr Speaker, if the employer in question gave notice of appeal, it follows logically that he did not agree with the assessment of the Inspectorate and that is why he was going to appeal.

In actual fact, when the matter was referred to the Attorney General for advice, the Inspector went back to GFI and they agreed to comply with the Inspectorate and it did not go any further. But if it had gone to appeal, the Inspectorate needed the assistance of the Legal Department on how to deal with the appeal.  
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**Hon. J J Netto:** I am not sure whether I have understood the Minister correctly. Is he therefore saying that while they have been seeking legal advice, the actual works have not progressed on site, or they have progressed on site? I was not clear there.  
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**Hon. J J Bossano:** If somebody gets told to do something in his workplace to change something and he decides to appeal, then it means that he does not accept that what he is being asked to do has to be done. I am telling him that that is why the Inspectorate appeals are very, very rare. The Inspectorate then went to the AG's Chamber to say, 'Well, look, these guys are resisting, what needs to be done. They are going to go to appeal, so how do we deal with it?'  
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I am also telling him, although he has not asked me, that in practice, after that step was taken, and they went back, the company concerned changed its mind and decided not to proceed with the appeal, and complied with the order.  
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HEALTH AND THE ENVIRONMENT

Artificial reef

Reasons for location and timing

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**Clerk:** Question 835, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please explain why the Government laid the artificial reef in the area that it did, at the time that it did?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I am answering on the creation of the artificial reef as this was an environmental measure, co-ordinated and managed by my Ministry.

The location of the artificial reef is paramount, as this will largely determine the success of the prospect – (**A Member:** Project.) sorry, of the project... I apologise Mr Speaker – as this will largely determine the success of the project so that it will enhance the area's marine environment.

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More specifically, the north-west artificial reef was laid in this area for the following reasons: (1) sea grasses were prevalent in the area as documented by experts in scientific journals, but these had been destroyed by fishing activities, particularly raking. The design and layout of the reef has been done to facilitate the planting of sea grasses; (2) the seabed is of a sandy composition. The Department of the Environment had been continuously monitoring the water sediment and biological conditions of the site, which proved to be suitable for the creation of an artificial reef; (3) the area is not a shipping lane or military exclusion zone; (4) it is an area within British Gibraltar Territorial Waters, which provides no negative environmental impact, but maximum environmental gain.

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The reef, being in sheltered waters is the ideal location to: provide a spawning area for fish and marine life; provide an area for the re-colonisation and/or relocation of sea grasses; provide natural protection for the recolonisation of Habitats Directive Annex IV species, as listed under the Habitats Directive – for example *Pinna nobilis*; improve shellfish populations; provide a habitat for benthic communities to develop; and provide a new site for diving and snorkelling activities.

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In terms of timing, calm conditions with minimal wave, wind and tidal influences favour the deployment of artificial reef modules. The north-west artificial reef was deployed during the summer on 24th July and 25th July 2013, since the forecast for meteorological and sea state conditions were deemed suitable for said deployment.

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**Hon. D A Feetham:** Was there any discussion at all or was it factored into the decision to lay the reef in August? I recognise that the Government has every right to lay this reef where it laid it.

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**A Member:** In July.

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**Hon. D A Feetham:** Sorry, in July. But was there any discussion or was it factored into the decision, the possible repercussions that might have flowed from the laying of the reef and the impact that that would have had in terms of local traders because of ...and indeed there has been an impact on local traders – the consequence of the problems that we have had on the frontier? I mean, was that factored into the decision-making process by the Government, or the Minister, or the Chief Minister, when the decision was taken to lay this particular reef in July?

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**Chief Minister (Hon. F R Picardo):** Needless to say, Mr Speaker, I am not going to be engaging the Leader of the Opposition on what the Chief Minister and the Minister for the Environment discuss.

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**Hon. D A Feetham:** Yes, but Mr Speaker, that is a wholly inadequate answer, with respect.

We have a reef that has been laid in July. It has provoked, unjustifiably so, we recognise that – unjustifiably so, but in our view *predictably* so – a reaction from Spain which has involved restrictions at the border, which has then caused huge problems, particularly for mainstream traders at the height of the tourist season in August and September, which has led many of these traders to see a downturn in their turnover for those two months.

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I would have thought, and does he not agree with me, that any prudent and reasonable Government would have factored into their decision-making process that kind of consequence, despite having the legal right and the moral right, whatever you like, in terms of laying that reef, but factoring into the decision making process those consequences for mainstream traders and other businesses in Gibraltar?

**Mr Speaker:** Before the Chief Minister answers that supplementary question, let me make it clear that I am not going to allow a debate this morning, arising from this question, about the frontier restrictions or the measures being adopted by the Spanish Government, for whatever reason they may be.

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If the hon. Members of the Opposition wish to, they can raise the matter later, on the adjournment. It is a proper matter to raise on the adjournment, when a 40-minute debate can take place without a vote being taken and without a formal motion, or they can raise, they are free, under the Rules of this House, they are free to bring a motion on the question of the frontier restrictions whenever they so wish and then different Rules will apply because it will be a debate.

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But this morning, arising from this question, we are not going to have such a debate.

**Hon. Chief Minister:** Mr Speaker, I am very grateful for that, because I think that is exactly what the Hon. the Leader of the Opposition wants.

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May I just comment in respect of what you have said, that of course a motion on the adjournment falls in respect of matters which are urgent, and something which has been going on apparently since August is not going to, in my view, attract the epitaph of ‘urgent’.

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**Mr Speaker:** If I may correct the Chief Minister: not just urgent, but on any other matter, and it is any other matter that could have arisen during Question Time, and then it is for the Speaker to decide whether that is an appropriate matter to have debated on the adjournment.

**Hon. Chief Minister:** I am grateful, Mr Speaker, but let us be clear that the motion on the adjournment is not the sort of procedure that should be used by Oppositions that are fearful of losing votes on motions.

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The Opposition, if they want to debate this issue with the Government are free of course to do so and the Government would very much welcome the opportunity of debating this with the Opposition; but let us do it on a motion, Mr Speaker, that is clear, and let us do it on a motion where we take a vote.

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Mr Speaker, the position is very clear. I am not going to engage the Leader of the Opposition on what it is that the Government considers when it makes a decision. If I start the process of answering in respect of that question, then we are going to be here simply analysing who said what to who in Cabinet before a particular decision that hon. Members like or dislike was taken.

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But I do have to take issue with much of what the Hon. the Leader of the Opposition has said. He appears to not be living in the Gibraltar that most of the rest of us are living in. He appears not to have lived the history of Gibraltar that the rest of Gibraltarians have lived it, and I say that, Mr Speaker, not in respect of the restrictions of 1969 to 1982 and then 1985, when the frontier finally opened, but of course, Mr Speaker, in respect of the period of restrictions and of frontier queues and of rhetoric that the hon. Member did not live with us, because he was happily ensconced up in the north of England being a barrister there.

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He might not recall, and I hope that this is of assistance to him, Mr Speaker, that at the time that the GSD were in administration, when they laid no reefs, Mr Speaker, and they tore up no fishing agreements – in fact they did them – we had... Apparently I am *pesao* Mr Speaker, I hear the hon. Lady opposite saying, because I am reminding them of this.

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We had extremely long frontier queues. We had extremely negative rhetoric, all from the same place that we have them today, the Palacio de Santa Cruz and the *Partido Popular* Foreign Ministers of the time.

There was a very informative article today that I recommend to Members opposite, Mr Speaker, in a publication in Spanish called *Público – Público.es* – which analyses what is Plan A and what is Plan B for the Spanish Foreign Ministry.

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Plan A, Mr Speaker, is being nice to the Gibraltarians and see if they will agree to transfer the sovereignty of Gibraltar. Plan B says, Mr Speaker, if having been nice to the Gibraltarians they do not agree to any progress on issues of sovereignty, then start getting tough. And if the hon. Gentleman says, ‘Well, Mr Speaker, did you not consider Plan B when you were considering with the Hon. Minister for the Environment whether such a reef should be created in British Gibraltar Territorial Waters or not?’, let me put it to him, Mr Speaker, that he should go back and do a bit of research. Not so much on the numbers of inspections that Health and Safety officers rightly do in respect of the construction industry,

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rather than analysing Health and Safety in hairdressing salons or spas, but to read the words of Señor Margallo, when he was first appointed Minister for Foreign Affairs of Spain – not when he said, ‘*Gibraltar Español*’ or ‘*Esta broma se ha acabado*’ – this joke is over – but when he said in a lengthy interview on 21st January 2012, Mr Speaker, and for the purposes of assisting him that is 19 months before the reef was laid – 19 months before the reef was laid – ‘We are not going to progress with the trilateral process that is at an end and from now on we will have regional co-operation so long as there are advances on sovereignty –

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1405 **Mr Speaker:** Can I – ?

**Hon. Chief Minister:** – not otherwise’.

1410 **Mr Speaker:** Can I bring the Chief Minister (*Interjection*) back to the question and answer? The question was as to the reasons why the Government laid the artificial reef in that area and the time that it did so.

The Hon. the Minister for Health and the Environment has given detailed answers, based on environmental and biological conditions, as to why that was proceeded with. I am only going to allow any further supplementaries to deal with those aspects of the question and the answer.

1415 Anything else to do with the wider political issues, hon. Members can debate whenever they so wish. I make myself available for that purpose and I will then apply the liberal rules of debating which follow. But, we are not going to do that this morning and I am bringing this matter to a conclusion, unless supplementary questions are within the parameters that I have decided.

1420 **Hon. Chief Minister:** Mr Speaker, I am very happy to accept your ruling. I will allow the Minister for the Environment to deal with the biological and environmental aspects of this matter as he is much better qualified than I am. I think I have dealt with the political aspects that were raised by the Leader of the Opposition.

1425 **Hon. D A Feetham:** Mr Speaker, I am interested in the political questions and the political answers. If I cannot ask political questions and receive political answers, then I am not going to pursue the matter any further.

1430 **Hon. Chief Minister:** Mr Speaker, can I put it to the hon. Gentleman that environmental issues and biological issues are highly important political issues too.

**Hon. D A Feetham:** Yes, Mr Speaker, but I am interested in the reasons why the Government took a decision which in my view has turned out to be one of the most monumental errors of judgement in the political history of Gibraltar. (*Banging on desks*)

1435 **Mr Speaker:** May I make it clear that, as Speaker, I am also interested in those decisions. I do not want anybody to go away from this House under the impression that I am curtailing discussion on these matters. I am just saying that Question Time is not the appropriate time to do so and I invite hon. Members of the Opposition, if they so wish, to table a motion at the earliest convenience, in order to debate this important issue. So I do not want anyone, members of the public in particular, who may not understand what the Rules of Procedure are, to think that the Speaker is curtailing debate. The Speaker is not curtailing debate, provided it is at a time when debate is called for.

1440 We are dealing with questions and answers, the purpose of which is to ask for information, to enjoin the Government to adopt a particular course of action or to adopt a certain line of policy, and that is what Question Time is about.

1445 **Hon. Chief Minister:** I am very grateful, Mr Speaker. I think it is important the public should know that we are prepared to debate these issues.

1450 Mr Speaker, I think it is entirely politically appropriate though that I do deal with the hon. Gentleman’s last point, because I think the public will realise, Mr Speaker, that the biggest monumental error of judgement made in the modern history of Gibraltar was actually to leave the GSLP as it was in the ascendancy and to join the GSD. In any event, Mr Speaker, history will judge this Government for everything it has done, not just but including the reef, much more fairly than the Opposition would like us to be judged for their own narrow political purposes. And when we do, Mr Speaker, the advances made in respect of those waters off the isthmus may not look like such a monumental error of judgement.

1455 **Hon. D A Feetham:** And I will enjoy bringing a final curtain to your Government in two years’ time. (*Interjections*)

1460 **Mr Speaker:** Is there any supplementary on this particular question? If not, we will proceed to the next one. No. I see that the matter has been satisfactorily dealt with therefore. (*Laughter*)

**Hon. Chief Minister:** Well Mr Speaker, the hon. Gentleman has made a point and I think it is right that I should be able to answer it, because... if only with this observation, Mr Speaker.

1465 I think what you have done this morning, Mr Speaker, is to rightly draw out the Leader of the Opposition so that we have now been able to see, and so has all this community, that all of these issues

that he wants to debate, he is not interested, Mr Speaker, in any details as to the biological and environmental reasons for the creation of the reef. He just wants to use this opportunity, Mr Speaker, to hurt the Government politically so that he can bring a final curtain on our Government in two years' time.

1470 Mr Speaker, for the purposes of the record, let me just remind him that the person who will decide when to bring the final curtain down on the lifetime of this Parliament will be me when I go and see the Governor to ask him to convene a General Election. We do not know yet, Mr Speaker, who will lead the parties into that General Election, what the parties will be, which party he will be in at the time, Mr Speaker (*Laughter*) and the general public will decide who it is that governs Gibraltar afterwards. He should not assume that he is going to win any elections in the future.

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**Mr Speaker:** And I am bringing now a final curtain on this question and we go on to the next one. (*Banging on desks and applause*)

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## CHIEF MINISTER

### Costs to taxpayer

#### Members' expenditure; protocol, travel and entertainment

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**Clerk:** Question 836, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Chief Minister state the breakdown of expenditure so far since the commencement of this financial year in relation to (1) protocol; (2) travel; and (3) entertainment by all Members of the Government, broken down by each separate category and stating the purpose, place and date in which such event took place?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 837 and 838.

**Clerk:** Question 837, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a breakdown of all costs to the taxpayer of the recent visit to the Fourth Committee of the United Nations, identifying everyone who was paid for by the taxpayer, together with items of expenditure associated with that individual?

**Clerk:** Question 838, the Hon. D A Feetham.

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**Hon. D A Feetham:** Can the Chief Minister please provide details of the cost of the Mega Pop Concert, the Jazz Festival, the Literary Festival and the Gibraltar Day in London?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, ministerial travel costs are put on the Government website, as invoices are received and paid, including those of the Deputy Chief Minister, Minister Licudi and my own, in respect of our travel to the United Nations this year. Should any further Ministerial costs be received, they will be reflected on the website.

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Details of protocol and entertainment have never been provided before the financial year end, by any administration, as that amounts to, in effect, providing a management account of ongoing expenditure.

In respect of Questions 837 and 838, however, I now hand over a schedule with the information requested, except in respect of protocol.



Answer to Question 837

Breakdown of costs to date to the taxpayer of the recent visit to the Fourth Committee of the United Nations

GM DELEGATION	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr E Gomez	£5,472.00	£2,190.00	£1,628.50
Mr Javier Redondo	£5,583.00	£2,190.00	£1,679.30
Mr Jaime Trinidad	£5,072.00	£1,333.00	£412.35

PRESS PARTY	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr Stuart Green	£1,478.00	£798.00	£0.00
Mr James Murphy	£1,738.00	£798.00	£0.00
Ms Christine Vazquez	£1,696.00	£798.00	£0.00
Mr J.C. Teunis	£1,324.00	£1,650.00	£0.00

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STUDENTS	Air Fares	Accommodation	Meals, Transport and Other Expenses
Dr J J Brito	£1,425.92	£1,898.86	£788.79
Mr Thomas Blegden	£1,425.92	£870.86	£483.30
Ms Cristina Gonzalez	£1,425.92	£870.86	£483.30
Mr Roger Rodriguez Gabriel	£1,425.92	£870.86	£483.30
Ms Aysna Panfer	£1,425.92	£870.86	£483.30
Mr Thomas Ramagge	£1,425.92	£870.86	£513.01
Mr Ryan Robba	£1,425.92	£870.86	£483.30

Answer to Question 838

Gibraltar Day 2013

Guildhall Event	Church Service	Trinity House Breakfast	City Gaming Breakfast	VIP Lunch - The Gherkin
£88,384.97	£2,145.32	£7,474.47	£3,772.00	£1,962.38

Mega Pop Concert	Jazz Festival	Literary Festival
£566,860.17	£91,988.16	£152,921.00*

\* Some further revenue may yet have to be off-set against this figure

**Mr Speaker:** My attention has been drawn to the fact that the Chief Minister... has he missed out the last line of the question?

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**Hon. Chief Minister:** Oh, yes, you are absolutely right, Mr Speaker. I am very grateful.

In relation to Question 837 and Question 838, there is another sentence I should have read out. Her Majesty's Government delegation on this occasion, the occasion of our visit to the United Nations, also included the Director of Education and six students.

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**Hon. D A Feetham:** Mr Speaker, I have the schedule here in front of me and it does not include – and can I take it from the non-inclusion – anybody from the Self Determination Group, it does not include Mr Matthews, unless I have made a mistake. Does that mean that Mr Matthews paid for his own travel and expenses to the United Nations and that is why it does not appear in this particular schedule?

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**Hon. Chief Minister:** Well, he should ask Mr Matthews that, Mr Speaker. The only thing I can say is that the Government did not pay for it.

**Hon. D A Feetham:** Yes, and for the avoidance of doubt, can he confirm that it was not paid for through any Government-owned company, either directly or indirectly?

1540 **Hon. Chief Minister:** Mr Speaker, as far as I know we have not paid for the SDGG to come with us to the United Nations through the Government, the Savings Bank, Credit Finance Company, all the ones that they say are secret, Mr Speaker, but they know everything about it and so does everyone else in our community.

1545

**Former Speaker of the House  
Investigation into leak of personal tax affairs**

1550 **Clerk:** Question 839 the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether the investigation into the leak of personal tax affairs of the former Speaker of this House has now concluded?

1555 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this investigation has now concluded and no evidence as to the source of the leak has been established by the Chief Secretary. A report of the investigation is presently being prepared.

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**Hon. D A Feetham:** Well, Mr Speaker, in relation to the report that he says is being prepared, is that a report that is a report to Government that will not be made public, or does he intend to make it public? Would he lay it before this House? What are his intentions in terms of the report into this particular issue, which is a serious issue, not only generally, but also for Members of this House? At the end of the day, this was a Speaker of the House and his personal tax affairs were leaked to members of the press.

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**Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman understates the seriousness of what happened here and that to have the tax affairs of any individual leaked to the press is, to say the least, criminal. To have them leaked of a Member of this House is criminal and raises political issues too; and therefore I will not commit myself to publish the report for exactly the reasons that I said to him in answer to Question 497 this year, which I am sure he will recall, namely that it may be that that report leads to my making – my or whatever the appropriate mechanism is – to a criminal report being made for further criminal investigation.

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**Hon. D A Feetham:** I understand that if the report focuses on evidence that may form the basis of a criminal investigation, that it may not be appropriate to disclose the report – I understand that. But as I understood the answer, really the Government or the Chief Secretary has not been able to get to the bottom of how or where and when, the ins and outs of the leaking of this particular information.

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If there is nothing there in this report that can form the basis of a criminal prosecution, because at the end of the day it really is inconclusive, is there any reason why the Government will not disclose the report so that at least Members of the Opposition can look at it and also can look at the thoroughness of the investigation and the way that the investigation has been conducted? We are perfectly entitled to do so, you know.

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**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman can do what he likes. He can look at whatever he likes, but what he is not going to become is the policeman of the Chief Secretary. Is he saying, Mr Speaker, that he has some doubt as to the thoroughness of the investigation undertaken by the Chief Secretary?

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I must say, Mr Speaker, that I watched in awe – watched, because now we are able to, after the reforms that this Government has made – the allegations being made in respect of employment issues, when the Hon. the Minister for Health was answering questions, and all of those implications which you were good enough to point out about the Public Services Commission and its working. Are we now to have suggestions in this House, that in respect of something as important and as sensitive and as, frankly, unacceptable as a leak of a taxpayer's information, the hon. Gentleman thinks that it is up to him to determine whether or not the Government or the Chief Secretary have been thorough in an investigation?

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Well, look, Mr Speaker, that is never going to be a reason for us to publish a report. What I am saying to him, in trying to agree... in fact, in going further than his own view as to the seriousness of this leak, Mr Speaker, is that the report *may* take matters further, and it may take them outside the ambit of simply a

1595

1600 Civil Service investigation into what has happened. But certainly, Mr Speaker, if the report is published, it will not be in order to enable the hon. Gentleman to make himself the policeman of the policeman.

**Hon. D A Feetham:** Mr Speaker, he really is very long winded in his answers today, and he really is waffling and waffling and waffling... more so today than on other occasions.

1605 Look, it is not up to me. It is not up to me, but I am perfectly entitled to examine that report and make my own mind up as to the quality of the investigation. That is part of the role of the Opposition. Or is he really suggesting that the Opposition is not entitled to look at this report and make up its own mind as to the thoroughness of an investigation into a very serious issue?

1610 Of course there are criminal implications, but it is also a matter of extreme importance to Members of this House that in relation to a Member of this House that there has been a leak of personal tax affairs that ultimately led to the Speaker's resignation last year. Mr Speaker, does he not recognise that the Opposition is entitled to that information?

1615 **Hon. Chief Minister:** Mr Speaker, the previous Speaker of this House, who gave eight years of service to this community and to this Parliament, explained why he resigned – in fact, not why he resigned, why he retired. He never suggested it was anything to do with the malicious leaking of information dealing with his tax affairs. The Hon. the Leader of the Opposition has just said the opposite.

1620 Look, Mr Speaker, there has only been one Speaker who has resigned as a result of something related to the work he has done in this House and that was Mr Alcantara, who had to face a motion of no confidence in the Speaker where the Government voted against him because he had ruled in a way that the Government did not like. The Government that he supported. The Government that he then became a Member of, when he made the monumental error of judgment of leaving the GSLP in its ascendancy and going to the GSD in its descendency.

1625 But, Mr Speaker, how can he say that he is entitled to a Government report? Well, Mr Speaker, if he has any legitimate expectation that he might see the report, which he does not, it might be because we publish reports. Or, Mr Speaker, is it that I had an entitlement – to use his words – to see the Customs Report prepared by the previous administration, which they refused to publish, or to see the Alan King report into the future of GBC, which they had prepared at a *huge* cost to the taxpayer and refused to publish? Well, Mr Speaker, where was the entitlement then when he used to sit here and snigger, as a Government Minister, when those reports were not published.

1630 This report is into a very sensitive matter, and I am telling the House it may lead to more, and all I am saying is I cannot commit myself to publish the report as a result of that. But, Mr Speaker, he says that we are waffling. Look, Mr Speaker, I think anybody who has been watching today will know that they are the ones gobbling like turkeys voting for Christmas, and we are the ones talking turkey.

1635 **Hon. D A Feetham:** He really has a propensity – he does it better than anybody else – to grandstand, the showmanship, the Hollywood; that is his thing. I have to say that that is his thing and I congratulate him for it.

1640 But, Mr Speaker, does he not recognise that he got elected on a ticket of doing things differently, even if it were right what he says. He was elected on doing things differently and he complained on many occasions that we had not published the King Report. Does he not recognise therefore that he ought to take a leaf out of his own political discourse and do things the way that he used to preach that he was going to do things, before he became Chief Minister of Gibraltar?

1645 **Hon. Chief Minister:** Mr Speaker, look I think the hon. Gentleman has not wanted to hear what I say. He accuses me of grandstanding, but he is asking questions, despite my answer being the report may be published unless there are reasons why it should not, because it may lead to a prosecution.

1650 Now Mr Speaker, of course we are doing things differently. There was a new dawn, thank goodness, on 9th December 2011. Things have changed, this Parliament is unrecognisable. People can watch us at home, and so much more has happened, Mr Speaker. But everybody knows that there has been real change in our community.

1655 But what I cannot do, Mr Speaker, is when we are dealing with a report that *may* lead to a prosecution, or an investigation or may be tangentially related to a prosecution or an investigation, commit myself today – and that is what we are arguing about – to publish the report. Mr Speaker, it maybe that those things do not come to pass and the report can be published, because my inclination, as hon. Members know, and they take me at my best in this respect, is always to publish unless there is a good reason not to.

But that does not mean, Mr Speaker, because there has been a new dawn, because at last there is transparency, because we are a more open Government, that the hon. Members can have a webcam set up in each of our offices to hear what we talk about when we are going to decide whether or not to lay a reef,

1660 to look at what it is that we are doing in respect of reports, and to have access to any information that may be of an important prosecutorial nature.

But, Mr Speaker, let that not stop him from sitting down, almost as if he were Scrooge, to say, 'Bah, humbug' to everything.

1665 **Hon. D A Feetham:** Mr Speaker, nobody is asking for disclosure of this report, if at the end of the day it is going to lead to a criminal prosecution or a criminal investigation. I have not suggested that. On the contrary, I have said if it does not do that, there is no reason why you ought not to disclose it, and certainly, not disclose it to the Opposition.

1670 Now, my final supplementary, will he at least, if there is no criminal investigation or criminal prosecution – criminal investigation, really... does he undertake to at the very least allow me sight, as Leader of the Opposition, of this report, bearing in mind that it does go to the privileges to disclosure of personal tax information of a Member of this House, and it relates to this House? And as Leader of the Opposition, will he at least undertake to let me see a copy of that report, even if on a confidential basis?

1675 **Hon. Chief Minister:** Mr Speaker, I said at the beginning of my answer to supplementaries that my answer remained as in respect of Question 497, which was in June of this year. The hon. Member's supplementary is identical to the one he asked me in supplementaries then.

1680 So I will just remit myself to saying this, Mr Speaker – it is at line 270 of the excellent *Hansard* that is now produced so much more quickly for these monthly meetings that we now have, instead of the one or two that they used to have when they were in Government, and called themselves democratic. And I said this, Mr Speaker:

1685 'Mr Speaker, I cannot commit myself to that, [the undertaking which he asked for] for a reason that I hope he will understand. It could be that this leads to criminal proceedings and therefore that the matter might be overtaken by the issues becoming the subject of a complaint or a charge. Therefore, Mr Speaker, I do not think it is appropriate for me to give the House an undertaking that this will result in a statement by me in this House, or the tabling of an investigation report, because it could become much more serious than that, and I hope he understands that reasoning.'

1690 Mr Speaker, I have said throughout the course of questions and answers this morning, the very same thing. If it leads to an investigation or at a criminal level, I cannot publish it; therefore Mr Speaker, the opposite must also be true. If it does not lead to an investigation for criminal proceedings, then I will be free to publish it.

1695 **Mr Speaker:** Next question.

**Hon. D A Feetham:** Mr Speaker, does that mean, because he has not given me a straight answer to this question. Does it mean that if it does not lead to a criminal investigation that the Hon. the Chief Minister will make that report public – (1); and (2), that at the very least, he will allow me to see it, even on a confidential basis?

1700 I am not asking about criminal investigations. This has never for me been about a report which leads to a criminal investigation. If it leads to a criminal investigation, I understand. If it does not – that is the question.

1705 **Hon. Chief Minister:** I have already answered those questions, Mr Speaker.

**Self Determination Gibraltar Group  
Chairman's speech to UN**

1710 **Clerk:** Question 840, the Hon. D A Feetham.

1715 **Hon. D A Feetham:** Mr Speaker, did the Chief Minister read the speech of the Self Determination Gibraltar Group Chairman, Dennis Matthews, before it was delivered to the United Nations?

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

**Chief Minister (Hon. F R Picardo):** No, sir.

1720 **Hon. D A Feetham:** Mr Speaker, did he agree with the sentiments expressed by Mr Matthews at the United Nations, comparing the actions of Spain to Gibraltar to that of terrorists?

**Hon. Chief Minister:** No, sir.

1725

**Establishment of Anti-Corruption Authority  
Continuing plans**

1730 **Clerk:** Question 841, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether the Government has abandoned its plans to set up an Anti-Corruption Authority?

1735 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we have not abandoned our plans in this respect, and expect to make an announcement in due course.

1740 **Hon. D A Feetham:** Mr Speaker, is this something that the Government intends to do during the course of 2014, just to put a tighter timetable on the answer the hon. Gentleman has given me?

1745 **Hon. Chief Minister:** Mr Speaker, the Government does not accept tighter timetables from the Opposition. Our manifesto is to be performed in the lifetime of this Parliament. Some things may be now performed in 2014, some in 2015 and in fact, Mr Speaker, if he understands the Rules of Procedure, we may be able even to go into 2016.

1750 **Hon. D A Feetham:** Yes, indeed. Will this involve the introduction of legislation in order to create this particular authority? And how does the Hon. the Chief Minister envisage that this will plug in to existing legislation, or will it require wholesale legislation, hermetically sealed from existing legislation, in particular for example, the Crimes Act and the Criminal Procedure and Evidence Act?

1755 **Hon. Chief Minister:** I do not recognise that as an analogy that you can use in relation to legislation, Mr Speaker.  
It is very likely that this will require new legislation. I am not going to debate with him at this stage how it is going to be done. He will see when an announcement is made how we expect it to interface with existing legislation.

1760

**Credit Finance Company Limited; Consolidated Fund  
Commutated pensions of civil servants**

1765 **Clerk:** Question 842, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state, what is the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants?

1770 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer together with Question 843.

**Clerk:** Question 843.

1775 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how many civil servants have had their commuted pensions paid (a) by Credit Finance Company Limited and (b) from the Consolidated Fund since Credit Finance Company Limited was incorporated?

1780 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as at 31st October 2013, the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants is £18,123,986.28. Figures as at 30th November have not yet been finalised by the Treasury. Therefore answers reflect tentative figures as at 31st October 2013.

1785 One hundred and twenty-four civil servants have had their commuted pensions paid by Credit Finance Company Limited.

1790 Sixty-one civil servants have had their commuted pensions paid from the Consolidated Fund, once the incorporation of Credit Finance Company Limited as follows: nine gratuity payments on retirement; 39 revised gratuity payments to civil servants who retired and had their gratuities paid prior to the incorporation of the company; and seven gratuity payments on death; and six gratuity payments on resignation.

1795 **Hon. D A Feetham:** Mr Speaker, just by way of clarification. Did he say £18 million – one eight – or did he say £80 million? It is just that we did not quite hear it.

**Hon. Chief Minister:** One eight, one two three, nine eight six, dot twenty-eight.

1800 **Hotels**  
**Financial assistance or loans**

**Clerk:** Question 844, the Hon. D J Bossino.

1805 **Hon. D J Bossino:** When originally drafted, it was directed at the Minister for Tourism. I assume it is the Chief Minister who is going to be answering, so I will phrase it in those terms.

1810 Can the Chief Minister advise whether any hotels, other than the Sunborn but including the Marriott, are the beneficiaries of any loans from Credit Finance Company Limited, or are in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank?

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

1815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am informed that no hotels, other than the Sunborn, are beneficiaries of any loans from Credit Finance Company Limited, or in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank.

1820 Mr Speaker, he will know that that question is answered in the spirit of what he has asked, and not in respect of, for example, whether they have arrears of water or electricity. I do not know what that updated position is, but it dawned on me when answering that if they were being particularly pedantic, they might suggest well if a hotel has not paid two months of water or electricity, is that financial assistance from the Government? He knows... what... I am answering, I think, the question he is asking me by giving this answer. It is in relation to loans, as I understand it.

1825 **Hon. D J Bossino:** Indeed, Mr Speaker, the question is in relation to whether any actual payment has been made, exactly. So he has understood the purport of the question.

Yes, I am grateful for that. There is a point of clarification which my Hon. and Learned Friend, Mr Figueras suggested I ask, and he is absolutely right. The Marriott is not yet a hotel in Gibraltar. Is there any intention on the part of the Government, Credit Finance Limited and all the rest of it, to provide any financial assistance to the owners of the Marriott which is intending to set up shop in Gibraltar?

1830 **Hon. Chief Minister:** Mr Speaker, the owners of the Marriott have not been in touch with the Government in this respect, but the Government would be open to considering any similar requests from hotel operators in Gibraltar.

1835 I think there was a scheme in the late 1990s called the Hotel Assistance Scheme which dealt with similar issues and the Government would be prepared to consider any requests for the Government to assist in any particular way.

1840 Of course, in relation to Credit Finance, it is different. They have got to go through certain procedures as to how they would persuade the people who are responsible for lending in that respect to decide whether there could be a lending. It is a different process. But if the Government were to be engaged, the Government might be very willing to consider some incentives for any of the new proposed hotel developments.

1845 **Hon. D A Feetham:** Yes, and can he confirm there has been no request from the owners of the Marriott for any kind of financial assistance similar to the ones provided to the owners of the Sunborn by Credit Finance?

**Hon. Chief Minister:** Mr Speaker, I do not know what the updated position is in that respect. As far as I know, the owners of the Marriott have not been in touch with the Government at all – with the Government.

1850 Have the developers been in touch with the Government about similar issues? I think there may have been a request, Mr Speaker, I do not know where that lies, I do not know what amounts we are talking about, and I do not know whether it will progress or not. I know that they have other sources of funding; I assume he is asking me because he knows, as he represents some of them.

1855 **Hon. D A Feetham:** Mr Speaker, earlier on, the Hon. Speaker said that the Opposition ought to make itself responsible for the accuracy of the questions. I think that the Hon. the Chief Minister ought to make himself responsible for the accuracy of any point that he makes.

1860 I represent nobody in relation to this particular project. He knows that I am a litigator. I am not a commercial lawyer, and therefore he could not possibly make a statement that I represent these individuals, because there is no evidence to suggest that that is so.

1865 **Hon. Chief Minister:** Well, Mr Speaker, I will tell you why he is completely wrong. His firm represents a number of them, and as the present backbencher Chief Minister used to say, if your firm is involved, then I impute knowledge to you and of course, Mr Speaker, he is right. Under the solicitors' rules, if your firm is handling something, then as a partner of that firm – and he likes to describe himself as a senior partner of Hassans – he must be imputed with that knowledge.

1870 **Hon. D A Feetham:** I do not know where he gets that, I describe myself as a senior partner or whatever. I am not going to go into this. But, Mr Speaker, I have absolutely no knowledge of this or anything else relating to this particular project.

And look, the Hon. the Chief Minister, every single time I ask a question either about this or about something else, he seems to hide behind or attempt to make political points at my expense, that I am a partner of Hassans.

1875 Well, he used to be a partner of Hassans, I do not know whether he continues to be a partner of Hassans, but I do not think that it is legitimate for the Hon. the Chief Minister to make assertions as if I am the guy that is representing these people and I have knowledge in relation to this particular project. I do not think it is a fair point for him to make.

1880 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has never made a point politically in his life that I have had to hide away from, let alone any that he has made in this House.

Look, Mr Speaker, I will take his point. I think he is entirely wrong and I will simply rely on the statements made by his erstwhile leader, Sir Peter Caruana, who is not here now, when I was in his position and I was a partner of Hassans, and was imputed with all sorts of knowledge of that firm, when I was the Leader of the Opposition and a Member of the Opposition. He can look at the *Hansards* if he likes.

1885 And as to when he used to describe himself as a senior partner of Hassans, if he likes later, I will show him copies of the press releases.

1890 **Hon. D A Feetham:** But is he suggesting – because it is an important point – is he suggesting that because I am a partner of Hassans, that every single time that I ask a question about financial assistance that may have been provided to parties involved in some commercial transaction that I know absolutely nothing about, that simply because I am a partner of Hassans, that I am not entitled to ask that question and he will refuse to provide me with the answer; simply provide me with the retort of, 'Well, you should know because you are a partner of Hassans'?

1895 Because if that is the position, then I am afraid that the depths to which this Government is plummeting and has plummeted in terms of transparency and accountability is really getting to new depths and new ways in this House.

1900 **Hon. Chief Minister:** Mr Speaker, I do fear that the hon. Gentleman has taken leave of his senses. He used to sit here, when the Hon. the then Chief Minister used to make these statements. I have actually provided an answer to the questions, so he must actually – I will take it from his answer or from his question – be applauding the fact that we are answering these questions, when the previous administration would simply say – as Sir Peter used to say to me – 'You go and ask your partners: you should know, you are a partner of Hassans'.

1905 Well look, Mr Speaker, I am grateful that he acknowledges that that is a 'depth to which one plummets', and I will take it that he therefore considers that Sir Peter plunged to depths, and that he welcomes the fact that we have answered the question, despite the fact that he is a partner of Hassans. How senior though, is a matter of opinion, depending on who drafts the press release.

1910 **Hon. D J Bossino:** Well, Mr Speaker, Hassans seems to be getting a lot of free advertising. I am a partner of Triay Stagnetto Neish (*Laughter and banging on desks*) [*inaudible*] and also with shadow ministerial responsibility for Tourism. (*Laughter*)

Now, Mr Speaker, the Hon. the Chief Minister knows that I asked him about whether the owners of the intended hotel, the Marriott, has received any financial assistance from the Government, and the question in fact is phrased in terms of the Government, Credit Finance, as he knows.

1915 Now he then says that it could be that the developers may have sought financial assistance. Can he expand upon that at all? Is he able to? Because I would be very interested to learn if he can provide any further information to this House in relation to that. I asked specifically in relation to the owners, but I now ask in relation to the developers or any other party connected with the Marriott project.

1920 **Hon. Chief Minister:** Mr Speaker, I cannot give him more information at this stage, but I just think there might be something, so if he wants to ask the question next time round with that different permutation, I will be able to bring any information which is available.

1925 And of course, I do recognise that he is a partner of TSN and that we have partners here or ex-partners of ISOLAS as well. It would be unfair not to mention. All the law firms in Gibraltar do an excellent job. (*Laughter and interjection*)

**Hon. D J Bossino:** Yes, Mr Speaker, I will take him up on that offer and I will be asking a question at the next sitting, or maybe even write to him.

1930

#### **Gold and silver bullion Buying and selling**

1935 **Clerk:** Question 845, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether the Government, the Gibraltar Savings Bank or Credit Finance Company Limited are involved or propose to be involved, directly or indirectly, in the business of buying and selling gold or silver bullion?

1940 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no, sir.

1945

#### **Foreign investors Update on Government's position**

1950 **Clerk:** Question 846, the Hon. D A Feetham.

1955 **Hon. D A Feetham:** Mr Speaker, bearing in mind that we are now two years into the New Dawn Government, will be Chief Minister please state whether he is now in a position to identify those foreign investors which he said in an interview with Gerard Teuma in May of 2011 that he had up his sleeve if his party was elected into office?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes sir. (**Hon. D A Feetham:** Ah!)

1960 The first of these – only the first, Mr Speaker – will be announced shortly, early next year, towards the end of January, when a new economic activity will be made public, which is anticipated to give rise potentially to be a market that could bring major benefit to Gibraltar.

1965 The announcement involves the creation of an entity which will be a joint venture with a client of his firm who was previously someone I had the pleasure of representing personally. Others may soon also materialise. Announcements will be made in due course, as and when they crystallise.

He did, Mr Speaker, I hesitate to remind him, undertake to congratulate me when I made the announcement.

**Hon. D A Feetham:** Well, Mr Speaker, (*Laughing*) he has not made an announcement; it is an intention!



1970 But let me say that any investment that the Government brings to Gibraltar, if it is worthwhile and for the benefit of the community, I will be the first one to congratulate the Government. (*Interjection*)

But I have to say that on this particular occasion, I am rather sceptical that these particular investors are the same ones that he said he had up his sleeve in May of 2011, and perhaps the Chief Minister will forgive me for taking the rather sceptical view that he had nothing up his sleeve in May of 2011.

1975 Why has it take so long, assuming that he did have it up his sleeve in May of 2011, why has it taken so long for the Chief Minister to now come to this House and to say, 'Well, we might be making an announcement shortly', or 'we will be making an announcement shortly'? Why has it taken so long?

1980 **Hon. Chief Minister:** Mr Speaker, he can be as cynical and as sceptical as he likes, but when he sees what it is that happens, he will understand that these are exactly the people I was talking about. It is not that it has taken so long, Mr Speaker. January 2014 will be barely 24 full months since the election of the New Dawn Government that was elected, Mr Speaker, because of course the Government before had gone to the end of its term, just before Christmas. And therefore, there was very little that could be done in the first month.

1985 So 24 full months after that, we are already producing not just the inward investment that we have shown already, Mr Speaker, but new inward investment that is related to these particular individuals. He will know, Mr Speaker, that Government works in ways which require things to be checked and tested, etc, and that therefore it is simply not possible, at least these days. In 1988, I am told by the Hon. Mr Bossano, things could happen a little bit more quickly, because there were no European tendering procedures that had to be gone through etc. There are new European rules that hinder things, so it has taken some time for these things to actually be matured to the stage of launch.

1990 But as he will see, Mr Speaker, when he realises who it is that is doing this work, and some of the others who are likely to be announced to be doing this work with us in the future, that they are the people I was in touch with at the time I was a partner of Hassans and therefore *even his* cynicism will, I am sure, be brushed away.

1995 **Hon. D A Feetham:** Yes, Mr Speaker, and even he, I would have thought, would be able to attract some inward investment in four years of being Chief Minister. It is already two years into his so-called New Dawn Government and over two years since May 2011.

2000 But can he give some more information as to, for example, the nationality of these investors, or the sectors in which this new investment is going to be relating to. I mean can he do that, so that we get a flavour of what it is that the Government is proposing.

If he cannot, because of some commercial sensitivity, then I am not going to press him, but can he provide some further information?

2005 **Hon. Chief Minister:** Mr Speaker, I would have thought that even he would be more generous than to describe me as he has in the first part of his sentence, at least on 23rd December, but never mind.

2010 Mr Speaker, I will not announce what the thing that will happen in January will be, beyond what I have said, because that will be commercially sensitive and we want that to have an impact internationally and he will see that when it happens, but he can then ask me about it in February, because we hold monthly meetings of the Parliament, as I hesitate in reminding him.

But I will tell him that the *other* area, the other area involving *other* clients, is real estate.

2015

#### **Tobacco smuggling from Western and Eastern beaches Government measures**

2020 **Clerk:** Question 847, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state what steps his Government is taking to stop the smuggling of tobacco from Western and Eastern beaches?

2025 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as has already been announced publicly, the Government is working on a number of measures that have been implemented or are actively being pursued to curtail smuggling from these areas as follows:

2030 First, the repair works along the frontier fence are ongoing and a mechanism is in place between Her Majesty's Customs and the Technical Services Department to expedite the repair of any future breaches. This part of the frontier fence had been in a state of complete disrepair when we were elected.

Works are ongoing to finalise the setting up of CCTV installations along the frontier perimeter.

2035 As at June 2012, Government introduced Special Zones under the Tobacco Act. These included Eastern Beach, the frontier fence from Eastern Beach shoreline up to and including the loop area and Western Beach. Over the last month, these areas have been extended to include the main roundabout from the frontier, across the runway and up to the sundial roundabout. Persons within Special Zones are subject to restrictions in relation to cigarettes and are not allowed to be in possession of 600 cigarettes in a red zone, or 2,000 cigarettes in a blue zone. It is also an offence to request or procure any person to export or assist with the exportation of cigarettes by land. Law enforcement officers may direct persons to leave a Special Zone, if it is believed that...

2040 Are they interested, Mr Speaker, in what I am saying? I am quite happy to wait.

2045 **Hon. D A Feetham:** Mr Speaker, I know that he likes me to look at him, but I do not have to look at him to listen to him. I am listening.

**Hon. Chief Minister:** Mr Speaker, nothing could give me greater pleasure than if from now on he looks away whilst I read.

2050 **Mr Speaker:** I think that the two hon. Members, the Chief Minister and the Leader of the Opposition are... Let me put it mildly, they are getting a bit carried away this morning. Perhaps they might come down to earth.

**Hon. Chief Minister:** Thank you very much, Mr Speaker, your advice is always sound.

2055 Mr Speaker, I will carry on reading.

Law enforcement officers may direct persons to leave a Special Zone if it is believed that their presence is primarily related to the exportation of cigarettes by land.

2060 A specific tobacco operation, called Operation Venetian, was set up by HM Customs, together with the Royal Gibraltar Police and the Gibraltar Defence Police, that has been widely reported in the press. The aim is to create a high visibility presence at the hot spot entry/exit points, in order to deter and disrupt elicit contraband activity.

As part of planned infrastructural works in the frontier area, a number of control measures will be introduced. These will deter persons from accessing the frontier fence from the Commercial Gate up to the eastern coastline.

2065 The Government has already announced that retail outlets selling tobacco at two residential estates near to the land frontier and beaches will have their tobacco licence conditions amended, in that they will only be allowed to sell cigarettes by way of vending machines.

2070 In respect of the area of Western Beach, an unclimbable fence has been constructed and handed over to the MOD as part of the ongoing Houston project. How appropriate, Mr Speaker, that it should be called that, now that we have both come down to earth! The fence runs parallel three metres behind the current frontier fence from Western Beach to the customs pedestrian entrance to Gibraltar.

2075 **Gibraltar, UK and Spain *ad hoc* talks  
Update**

**Clerk:** Question 848, the Hon. D A Feetham.

2080 **Hon. D A Feetham:** Can the Chief Minister please provide the House with an update on the likelihood of *ad hoc* talks taking place between Gibraltar, the United Kingdom and the Kingdom of Spain?

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

2085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all information in this respect is already in the public domain.

2090 **Gibraltar sovereignty, jurisdiction and control of waters  
Chief Minister's firm stance**

**Clerk:** Question 849, the Hon. D A Feetham.

2095 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister accept that he can stand firm on issues that are vital and fundamental to the sovereignty, jurisdiction and control of our waters, air space and land, without comparing Spain to North Korea or accusing it of state-sponsored vandalism towards the citizens of Gibraltar at the United Nations?

2100 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I can certainly stand firm against Spain on issues that are vital and fundamental to sovereignty, jurisdiction and control of our waters. The vocabulary I use in doing so is not a matter I am prepared to take advice on from the Hon. the Leader of the Opposition.

2105 **Hon. D A Feetham:** Mr Speaker, but does he regret using the intemperate language that he used and the comparisons that he has, bearing in mind that it really has added a new dimension, in my view – he can disagree of course, but a new dimension in my view – in relation to relations between Spain and Gibraltar, which is that it is becoming personalised with the Chief Minister of Gibraltar?

2110 **Hon. Chief Minister:** Well, Mr Speaker, I must say the hon. Gentleman's question says that I accused Spain of state-sponsored vandalism towards citizens in Gibraltar at the United Nations. I do not think I ever used the words 'state-sponsored vandalism'. I do not know why it is that he wants to use that vocabulary. Perhaps he wants to pour oil on the flames.

2115 Mr Speaker, I do not recognise the description that the Hon. the Leader of the Opposition has used of what I have said. I do not think I have used intemperate language. The comparisons I have made I think were absolutely appropriate when I made them, and I of course stand by them, but I do recognise that his position is exactly the same as that of Mr Landaluce.

2120 **Hon. D A Feetham:** Well, Mr Speaker, just taking him up on the final part of that answer, does he not accept that in order to defend Gibraltar's vital interests, one does not need to get personal, one does not need to use ill-judged statements that will cause offence, not only to a political party...? And I do not care one hoot whether the *PP Government* is offended or is not offended. My concern here is that the Chief Minister of Gibraltar, in defending Gibraltar as he is entitled to do and one would expect – I mean there is no difference between he and I in relation to defence of Gibraltar's vital interests –

2125 **Hon. Chief Minister:** Oh yes, there is.

**Hon. D A Feetham:** No, there is not. No, there is not.

2130 **Hon. Chief Minister:** Yes there is!

**Hon. D A Feetham:** No, there is not.

2135 **Mr Speaker:** Order!

2140 **Hon. D A Feetham:** But what he does is, by using this type of ill-advised, ill-judged language, what he does is he risks not only alienating the *PP Government*, but also alienating political classes in Spain, the media in Spain and also Spanish citizenry. And at the end of the day, what we ought to be doing is standing firm, but also explaining Gibraltar's position in a cool, calm, intelligent way so that the adverse propaganda that emanates from the *PP Government* is rebutted in an intelligent, calm way, using reason, rather than just simply gratuitous, effectively, insults, which is what it is when one compares Spain to North Korea.

2145 **Hon. Chief Minister:** Mr Speaker, I take it that he did not like that analogy. (*Interjections*) But I was interviewed last week, Mr Speaker, by *PRWeek* in London, who wanted to interview me because of my use of language and how it had changed the way that Gibraltar's message went around the world, and how in fact, Gibraltar's message went around the world that week, in showing up the attitude of the Spanish Government and he might want to reflect on what he has said, because I do not think that anything that I have said was ill-judged. Neither Mr Speaker, has anybody ever come to this House to tell a Chief Minister that their language was ill-judged when he has been critical of Spain.

2150 Mr Speaker, the hon. the now backbencher, the Hon. Sir Peter Caruana, in 1998 or 1999, he will recall from my speech on the arrival of His Excellency, the Governor, where I actually took the House through some of the things that had happened in the past. The Hon. Sir Peter Caruana said, that something said by Señor Matutes at the time – and he can look at *Hansard* and see what it is that I was referring to – were mendacious lies. (**Hon. D A Feetham:** Yes.)

2155

In other words, the Right hon. the previous Chief Minister of Gibraltar called the Foreign Minister of Spain a mendacious liar.

2160 **Hon. D A Feetham:** He was calling a spade a spade.

**Hon. Chief Minister:** Apparently Mr Speaker, that is calling a spade a spade. Right, I think if the hon. Member looks back at everything I have said, he will not find me actually insulting directly the Foreign Minister of Spain. Whatever it is that I and every other Gibraltarian may think about his policies, he will not have seen me saying that the man has uttered mendacious lies.

2165 Now, if he looks at what I said, and it is quite remarkable that the Chief Minister is called upon by the Leader of the Opposition to justify his statements in relation to this matter, when I talked about North Korea, what I said was, that Spain was exaggerating in its reaction like North Korea exaggerates in its reactions (**A Member:** Ah!) and he will recall, Mr Speaker, that I was asked why I used that terminology and the exact reasoning was because in August, I think it was August 4th, Señor Margallo had given an interview to *ABC*, where he detailed all the things that were going to be done by Spain, as a result of Gibraltar having *inter alia* torn up the fishing agreement and created the artificial reef, etc, etc.

2170 And what I said at the time – and it was widely reported, I am surprised he now pretends he did not read it – was that this was an over-reaction *à la* North Korea. When there is a small commercial difference between them and South Korea, about how businesses operate in the de-militarised zone, etc, etc or with the United States, the reaction from North Korea is, ‘I am going to bring nuclear damnation to the Korean peninsula’ – not ‘we need to re-negotiate these terms.’ And that was the analogy I made and I think it is an absolutely appropriate analogy, and it is right that, as a result of that, Mr Speaker, the message of the people of Gibraltar went around the world. The things that were happening and are happening in some instances at the Gibraltar frontier were found out by people much further than usually find out about what is happening, and editorially, I think he will find that we had 90% to 95% editorial support in all newspapers in the world that covered this issue.

2175 I am quite happy, Mr Speaker, as I have said before, that the Government’s archive of newspaper information, etc should be made public and I am going to ensure that it happens and it is put on our website, so that the hon. Gentleman can see how many people around the world have read about the Gibraltar issue, the problems at the frontier and how editorial support came down on Gibraltar’s behalf, without having to spend a huge amount of money on advertising the world over.

2180 So Mr Speaker, I am not going to take advice from him on what vocabulary I should use. I would say this to him, Mr Speaker: look he likes to go around Spain making speeches that try to ingratiate him to some, whilst trying to do the balancing act of not falling entirely out of favour with people in Gibraltar. He knows, Mr Speaker, that one of the things he was saying, which was that the Government of Gibraltar had now not even been able to maintain a relationship with our socialist kindred on the other side of the frontier, was actually not true, that we have actually very strong relationships with the PSOE party.

2185 And he needs to reflect, Mr Speaker, on the fact that between 1996 and 2003, the Chief Minister of Gibraltar then, Sir Peter Caruana, the Leader of his Party who he has said is... I do not know whether he said is *the* or *among the* greatest Gibraltarians of all time, had absolutely no political interlocution with any Spanish political party at a national federal level.

2190 In other words, he was accusing the Spanish Foreign Minister of mendacious lies, he was having rows with the British Government, and from that, we move to a situation where joint sovereignty was almost visited upon our community.

2195 Today, Mr Speaker, this Government has an excellent relationship with the Socialist party in Spain, at the level of its national federal executive committee, as well as at the level of its municipalities, although of course we do not have to agree on everything. And second, we have a very strong relationship indeed with the British Government, which is today made up of Conservatives and Liberals, and with our sister party in the United Kingdom, the Liberal Party.

2200 So Mr Speaker, the position really is that my administration, although we still wish to establish a dialogue with the Spanish Government, is not talking to the *Partido Popular* in Spain, but we are talking to every political party in the United Kingdom and to the principal party of opposition in Spain and to *Esquerra Republicana*, which is another party in Spain that has wished to establish relations with us.

2205 Now, in those circumstances, Mr Speaker, I think actually if the hon. Member compares the actions of he who he calls the greatest, or one of the greatest Gibraltarians of all time, between 1996 when Gibraltar was last faced with a *Partido Popular* Government in 2003, with the excellent New Dawn Government of the Gibraltar Socialist Labour Party and the Liberals, I mean, he will find that perhaps we should not be taking his advice on how we conduct our foreign affairs, certainly not in relation to vocabulary.

2210 **Hon. D A Feetham:** Mr Speaker, I certainly do not accept that one can compare calling a spade a spade, which is ‘you have lied in relation to this position, in your criticisms or your statements in relation to Gibraltar’ – which is calling a spade a spade – to making a gratuitous ill-advised, *ill-advised*

comparison of Spain to North Korea, or accusing Spain of state-sponsored vandalism. I just simply do not accept that that is... I simply –

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

**Mr Speaker:** I am going to bring up a Point of Order, and that is that the hon. Members are now debating.

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**Hon. Chief Minister:** Mr Speaker, may I deal with the short Point of Order? You are absolutely right and I of course accept your ruling in that. But the short Point of Order is: I have said to him, I do not recognise that second part of his question. Can he please clarify when I have accused Spain of state-sponsored vandalism?

2230

**Hon. D A Feetham:** At the United Nations, Mr Speaker – that is *my* interpretation of what he said, it is the interpretation of many people that read his speech, including I may add, because I have been in Spain over the last two weeks delivering speeches, including many people in Spain – many people who actually are favourable and sympathise with Gibraltar's position. Because of the statements that he has made, he has alienated those people – he has become the problem, Mr Speaker!

2235

**Hon. Chief Minister:** No, Mr Speaker no.

Mr Speaker, I am not the problem any more than Peter Caruana was the problem between 1996 and 2003. The problem, Mr Speaker, as every Gibraltarian knows – and I know he knows it Mr Speaker, but he wants to win an election so desperately that he will say anything he has to say – the problem is the *Partido Popular*.

2240

Now, Mr Speaker, in my UN speech, I did not accuse anyone of state-sponsored vandalism. Now the whole of these sets of questions was premised on the hon. Member's view that no doubt the Government had paid for the SDGG to visit the United Nations, no doubt the Chief Minister had approved the speech of the Chairman of the United Nations, and therefore the Chief Minister of Gibraltar was to be imputed with his statements as to 'terrorism', state-sponsored terrorism, which is the word that would have fitted in there if that had worked.

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Mr Speaker, look the fact is that I had absolutely no knowledge that that was going to be said by Mr Matthews, in exactly the same way as Mr Caruana had absolutely no knowledge at the time that he went to the United Nations, that Mr Zammit, who sat next to Mr Caruana, and also did not have his ticket paid for by Mr Caruana, was going to say that the Spanish Government was trying to annihilate the Gibraltarians, right? He was trying to commit... and the Hon. the Deputy Chief Minister, as the brilliant historian that he is, remembers the word – that Spain was trying to commit *genocide* of the Gibraltarians. That was not my word. 'Terrorism' was not my word; it was the word of the Chairman of the SDGG. Genocide was not the word of Sir Peter Caruana, it was the word of Bryan Zammit as the Chairman of the UNA.

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But look, let us be very clear. What is it that I said at the United Nations that incensed people in Spain? It was not the North Korean thing; I did not say the North Korean thing in Spain...sorry, in the United Nations. I said in the United Nations, that Spain or one of the law enforcement agencies of Spain, the *Guardia Civil*, had shot at an innocent Gibraltarian in British Gibraltar Territorial Waters. That is the issue that people did not like in Spain about my UN speech, Mr Speaker. That was absolutely true, I trust that he accepts that it was true. It led to the Prime Minister of the United Kingdom – not the Chief Minister of Gibraltar, but the Prime Minister of the United Kingdom – to raise the issue with the Prime Minister of Spain, to the Minister for Europe to take the issue up with his counterpart, and to *notes verbales* and to a request for an investigation. But they did not like it when I said it in front of an international audience, and that is not to accuse them of state-sponsored vandalism, Mr Speaker.

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But I will say this, Mr Speaker, and I just put it on the record so that he knows, in case Mr Speaker, he ever, heaven forbid, were to become Chief Minister of Gibraltar, or were to be in a position to advise the Chief Minister of Gibraltar. I certainly hope that it is always, if anything, the latter and not the former! I said in my first speech at the United Nations in June 2012 as Chief Minister of Gibraltar, to the Spanish Government, 'Wake up and smell the coffee, Gibraltar will never be Spanish.' I do not know whether he agrees with that or not, Mr Speaker, but I can tell him, that the intense diplomatic activity that occurred after that was huge, because Spain just did not want to hear that expressed in quite those terms. He might not like that either. I love it, Mr Speaker.

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**Mr Speaker:** I am going to allow one further intervention from the Leader of the Opposition, and from the Chief Minister, and then that is the end of Question Time.

2280 **Hon. D A Feetham:** Mr Speaker, yes, we were on a Point of Order and he has just finished his Point of Order. I am not going to be responding to his Point of Order, Mr Speaker.

2285 Mr Speaker, I have to say that given his track record before he became Chief Minister for lack of judgement, and the lack of judgement that he has exhibited as Chief Minister, if *he* has become Chief Minister, I would suspect that many, many other people also have the necessary capability to become Chief Minister. Ultimately, if the people of Gibraltar – (*Interjections*) Ultimately if the people of Gibraltar want to entrust us with their trust at the next election, it is for them. It is not for me, and it is not for him.

2290 But I do sense, Mr Speaker, that hell is beginning to freeze over slightly and there is a change of tone from the Chief Minister in terms of the language that he has used, which I welcome and I congratulate the Chief Minister for back-tracking on the language that he has used in the past. Can he just put it beyond doubt, so that the message has absolute clarity emanating from this Parliament, that the Chief Minister in no way believes that the comparison between Spain and North Korea is a valid one, giving him the opportunity and that in no way does he believe that Spain is in any way responsible for state-sponsored vandalism towards the citizens of Gibraltar?

2295 **Hon. Chief Minister:** Mr Speaker, I really do not know which Chamber he is in. He does not seem to like to hear the answers that I give.

Look, Mr Speaker, as to who will or will not win an election in the future, I am not a crystal ball gazer and this is not an issue to be dealt with in Question Time -

2300 **Hon. D A Feetham:** I have not raised it.

2305 **Hon. Chief Minister:** Yes, you *have* raised it. But Mr Speaker, I will just say to him that he had the lack of political understanding to give an interview to *GBC* during the course of the last by-election at 12 o'clock in the evening, which was going to be aired at 11 o'clock in the evening after polls had closed, where he said, 'We are going to win this by-election' – and this was something that was going to come out after the polls closed – 'We are going to win this by-election by a very large margin'. 'By a very large margin'.

2310 **Hon. D A Feetham:** Mr Speaker, in the same way that he can raise points of order about accuracy, I will raise it. I did not say we are going to win it –

**Mr Speaker:** May I inform – ?

2315 **Hon. D A Feetham:** And it has absolutely nothing to do with this particular question that I have asked.

2320 **Mr Speaker:** May I inform both the Chief Minister and the Leader of the Opposition, that points of order have to do with the Rules of this House and not with questions of fact or opinion – nothing to do with questions of fact or opinion. That is not a Point of Order.

**Hon. D A Feetham:** But Mr Speaker, all I ask is that the Rules of this House are applied evenly as between the Opposition and the Chief Minister.

2325 **Mr Speaker:** Have I not applied them evenly? Have I not given – ?

**Hon. D A Feetham:** No, you have not!

**Mr Speaker:** Have I not given the hon. Member all the opportunity –

2330 **Hon. D A Feetham:** No, you have not!

**Mr Speaker:** – he wants this morning?

2335 **Hon. D A Feetham:** Mr Speaker, no, you have not on this particular occasion –

**Mr Speaker:** I have –

**Hon. D A Feetham:** No, no, let me explain, Mr Speaker. Let me explain, and I am not suggesting, Mr Speaker, that you have done it out of some intention on your part. But of course, he has just taken up a

2340 Point of Order, a few moments ago, basically saying that what I attributed to him was not true. That was the Point of Order. He raised that particular Point of Order.

I am doing likewise! Now, Mr Speaker did not say to the Chief Minister, 'That is not a proper Point of Order.' That is why I am saying that Mr Speaker should perhaps treat my Point of Order in the same way that he has treated his.

2345

**Mr Speaker:** Is he making the Point of Order? Are you making the point under a so-called Point of Order? I will let you do that and then having pointed out –

2350

**Hon. D A Feetham:** I made a Point of Order which is of exactly the same nature as he made –

**Mr Speaker:** I am sorry, I have got the floor.

And then, having pointed out that those are not points of order, I will not entertain them from any Member, and it is as simple as that.

2355

Now, he has an opportunity, I am giving him an opportunity, under a so-called Point of Order, to answer the Chief Minister. Then I will give him an opportunity to make one final supplementary and then that is the end of Question Time.

2360

**Hon. Chief Minister:** So, Mr Speaker, and then he went on to say that there was going to be a very large number of people coming out to vote – a huge number of people coming out to vote. Well, Mr Speaker, he got it completely wrong, so I think his predictions as to results of elections are very suspect.

In fact, I will take it, Mr Speaker, that when he says that my track record before I became Chief Minister is one to consider also suspiciously, I assume that he means the track record of the most successful Leader of the Opposition in our Parliament's history (**A Member:** Ah!) who took over, had the presence of mind to take over in April 2011 and become Chief Minister barely nine months later.

2365

Mr Speaker, I would recommend that he follows how I did it, but I would rather he did not, because I do not want him to win.

2370

Anyway, Mr Speaker, the Hon. the Leader of the Opposition also has a problem with his thermometer, because it appears that he thinks that hell is getting warmer and warmer and that therefore... or colder and colder and there is a chance that it is going to freeze over sometime soon. Well look, Mr Speaker, he is completely wrong about that too. I have not detected any change in the way that I deal with issues with Spain. I think I am still as robust and as clear in the way that I deal with these issues. He may not like it, because he obviously is recognising that in doing so, I am doing something right.

2375

But, Mr Speaker, he gets up here and says, 'Look, for you to compare Spain to North Korea was not a good thing and you should not have done it and it was bad for Gibraltar that you did.' And then, Mr Speaker, he gets up and he says, 'Now you have the chance either to say it again, or to say that you were wrong.'

2380

Well look, Mr Speaker, if he were right about the fact that it was a bad thing for Gibraltar to compare Spain to North Korea, which I do not accept, what is he doing, if he has got Gibraltar's interests at heart, inviting me either to do it again or to take a step back? What is he doing, Mr Speaker? He needs to reflect very carefully on that, because that is what he is doing.

And Mr Speaker, he does really come across as if he is defending the wrong litigant in this matter. He said he is a litigator, so let us look at it in those terms. He does come across as if he is not defending Gibraltar's best interests here. He seems to be holding brief for somebody else.

2385

**Hon. D A Feetham:** Well, Mr Speaker, it is the difference of approach. Of course we both have Gibraltar at heart, of course we both have. We both want to defend Gibraltar's vital interests. The difference between the hon. Member and myself is that I do not need to grandstand, I do not need to be the showman, I do not need to make-over-the-top, outrageous statements in order to defend Gibraltar.

2390

I have given him an opportunity for him to set the record straight. He has not taken it. I am just going to give him one final opportunity. Will he set the record straight, in the manner that I asked him a few moments ago, in relation to the statements that he has made in the past?

2395

**Hon. Chief Minister:** Mr Speaker, it is not about a difference of approach; it is about a difference of policy and he needs to understand it, because I do fear that he does not realise which party group he sits with, even though he purports to lead it. Although we know that he has got two Deputy Leaders on either side and there is one with whom I have great affinity, Mr Bossino as he knows, who I know feels perhaps exactly the same as we do on this side of the House. I just do not know about him any more, Mr Speaker. This is not about a difference of approach.

2400

Mr Speaker, they are looking at a Chief Minister who will *never* say that he will even *think about* recommending an Andorra-style solution to our people. That is not a difference of approach, Mr Speaker;

that is a difference of policy. And it is such a huge difference of policy, Mr Speaker, that we really come to this nub of the issue.

2405 The nub of the issue, Mr Speaker, is that diplomacy is not duplicity, (*Interjection by Hon D A Feetham*) and it is not one thing – and it is not the done thing to come and say one thing in Gibraltar in this Parliament and then go to Spain and do another.

2410 And the hon. Gentleman says – I assume trying to be funny – from a sedentary position that diplomacy is not my forte. Well look, Mr Speaker, he might think that. I assume he also thinks it of the current incumbent as Foreign Secretary of Spain, because if he thinks that the head of Spanish diplomacy (*Interjection by Hon D A Feetham*) is a good diplomat when he says ‘Gibraltar Español’, ‘The party is over’, and there will be no advances on regional or neighbourly co-operation, unless there are advances on sovereignty, then look, he and I have different definitions on what is or is not a good diplomat.

2415 He has not reflected, however, Mr Speaker, as I asked him to, on whether, having postulated that comparing Spain to North Korea was a bad thing, he wanted to invite me to do it again or to withdraw. He has not reflected on that, Mr Speaker. He has not reflected on the consequences of that. I think those sitting around him have, because it appears to have dawned on them what he was doing.

I will put it this way, Mr Speaker, and I will quote a politician that all of us have great affinity for, Mr Speaker, ‘They can turn if they want to. This Government is not for turning.’

2420

## Questions for Written Answer

**Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

2425

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W160 to W179 of 2013 inclusive.

2430

## Order of the Day

### SUSPENSION OF STANDING ORDERS

2435

#### Standing Order 7(1) suspended to lay Import Duty Regulations on the Table

**Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

2440

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of Import Duty Regulations on the Table.

**Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

2445

### DOCUMENTS LAID

2450

#### Import Duty (Franchise Regulations) (Amendment No. 4 ) Regulations 2013 Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013

**Clerk:** Papers to be laid. The Hon. the Chief Minister.

2455

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table: the Import Duty (Franchise Regulations) (Amendment No. 4) Regulations 2013; the Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013.

**Mr Speaker:** Ordered to lie.



2460

**GOVERNMENT MOTIONS**

**Motion notified on 19th December 2013  
At least five days' notice required  
Motion carried**

2465

**Clerk:** Government Motions. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2470

*'That this House approve, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion by the Hon. Chief Minister on 19th December 2013, and circulated by the Clerk on 19th December 2013.'*

2475

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried .

2480

**Ombudsman for Public Services  
Re-appointment of Mario Hook  
Motion carried**

2485

**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2490

*'That this House approve by Resolution, pursuant to section 3(2) of the Public Services Ombudsman Act 1998, the re-appointment of Mario Hook as the Ombudsman for Public Services for all the purposes of that Act with effect from Wednesday 1st January 2014 for the term of one year.'*

2495

Mr Speaker, the motion, to a very great extent, speaks for itself and I intend to say nothing more, other than to congratulate Mr Hook for the excellent work that he has done to date and give him the thanks of the community for that work already, and to look forward to another year of his continued hard work as Ombudsman.

2500

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Does any hon. Member wish to contribute?

**Hon. D A Feetham:** Mr Speaker, just to add my own voice on behalf of the Opposition, congratulating Mr Hook, and certainly the Opposition will be voting in favour of the motion.

2505

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye). Those against? Carried.

2510

**BILLS  
FIRST AND SECOND READING**

**Income Tax (Amendment) Bill 2013  
First Reading approved**

2515

**Clerk:** Bills, First and Second Reading.

A Bill for an Act to amend the Income Tax Act 2010. The Hon. the Chief Minister.

2520

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye). Those against? Carried.

2525 **Clerk:** The Income Tax (Amendment) Act 2013.

**Income Tax (Amendment) Bill 2013**  
**Second Reading approved**

2530 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

2535 Mr Speaker, in respect of this Bill, hon. Members will be aware that I have written to you certifying that this Bill is too urgent for the period of six weeks to elapse between its publication and the ability of the House to be able to consider it.

This is an issue which I know the Leader of the Opposition is aware of, he has discussed it with those who are responsible for the drafting of it whilst I was away from Gibraltar, and we expect that the matter would be dealt with on Thursday.

2540 Mr Speaker, Members will be aware that on 16th October 2013, the European Commission took a decision to open the formal state aid investigation procedure into two aspects of the Income Tax Act 2010. It published this decision in the official journal of the European Communities on 28th November 2013, inviting comments from third parties. The two aspects singled out by the Commission concerned the exemptions from taxation for (a) inter-company loan interest and (b) royalties income.

2545 Earlier this year, Mr Speaker, the EU Code of Conduct Group had found that the exemption for inter-company loan interest was a harmful tax measure under the criteria set out in the Code of Conduct on Business Taxation. The European Commission was also already indicating that this exemption was likely to constitute a state aid.

2550 Members will recall that without prejudice to our position that the section in question was not a harmful tax measure, we accordingly abolished this exemption by an amendment we made to the Act this summer, and which entered into force on 1st July 2013.

2555 The Bill, Mr Speaker, does exactly the same thing in relation to royalties. Specifically, it will abolish the exemption from taxation that currently exists for royalties income. The Bill follows the same format as that we used for the amendment this summer. It amends Table C of Schedule 1 of the Act so that it includes a new heading on royalties. Table C of Schedule 1 sets out the incomes which are subject to tax under the Act.

I had this amendment put to the European Commission by Government's team at a meeting in Brussels on Thursday, 5th December 2013. Commission case handlers reverted to us early last week, stating that the Commission's fiscal team were content with the amendment, although that cannot, for technical reasons, be the formal position of the Commission at this stage.

2560 That is the most we could have expected from them at this stage, but that is in itself important. By acting in this manner and amending the Act as we propose and the Bill, Government is delivering much needed certainty to the industry. It has also already effectively addressed the two concerns expressed by the Commission in its decision, opening the formal investigation procedure.

2565 Of course Mr Speaker, we make these amendments without prejudice to our arguments, that neither exemption constitutes state aid. We maintain that position in the formal investigation procedure as part of our defence.

2570 **Mr Speaker:** Before I put the question, does any other hon. Member wish to speak on the general principles and merits of this Bill?

2575 **Hon. D A Feetham:** Mr Speaker, I have been in contact with those who have drafted this particular Bill. It has been explained, the policy has been explained, the rationale has been explained and the Opposition will be supporting the Bill, and I have nothing further to add than what the Chief Minister has already said.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2580 **Clerk:** The Income Tax (Amendment) Act 2013.

**Income Tax (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

2585

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2590

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

2595

**Income Tax (Amendment) Bill 2013**

2600

**Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

2605

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the Bill clause by clause, namely the Income Tax Amendment Bill 2013.

Mr Speaker, can I before we move to the Committee Stage, I note that absent from my crib is a Bill that the Hon. the Minister for Financial Services was taking.

**Clerk:** It is at the very end.

2610

**Hon. Chief Minister:** Ah! It comes after. I see. Grateful.

**Clerk:** Yes.

*In Committee of the whole Parliament*

2615

**Income Tax (Amendment) Bill 2013**  
**Clauses considered and approved**

2620

**Clerk:** A Bill for an Act to amend the Income Tax Act 2010.  
Clauses 1 and 2.

**Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

2625

**Clerk:** The long title.

**Mr Chairman:** The long title stands part of the Bill.

2630

**Income Tax (Amendment) Bill 2013**  
**Third Reading approved: Bill passed**

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**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Income Tax (Amendment) Bill 2013 has been considered in Committee and agreed to without amendments, and I now move that it be read a third time and passed.

2640

**Mr Speaker:** I now put the question, which is that the Income Tax (Amendment) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

**PRIVATE MEMBERS' MOTION**

2645

**Yorkshire Building Society Bill 2013  
Leave to introduce granted**

2650

**Clerk:** Private Members' Motion. The Hon. A J Isola.

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2655

*'That this House do give leave for the introduction by me of a Private Members' Bill, namely the Yorkshire Building Society Bill 2013.'*

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Albert Isola.

2660

**Hon. A J Isola:** I am grateful Mr Speaker.

Mr Speaker, as hon. Members know, the merger of Yorkshire Building Society with the Norwich and Peterborough Society took effect under the laws of England and Wales in November of 2011, pursuant to a transfer of engagements. These two societies continue as the Yorkshire Building Society. However, the transfer of engagements under the laws of England and Wales did not change the legal position in Gibraltar. This has therefore resulted in an anomaly which Gibraltar needs to be rectified.

2665

Hon. Members will be aware that in the past when lending institutions want to undertake this sort of legal entity, reconfiguration or restructure, that we facilitate that task by allowing them to do it through a Private Members' Bill. That is the nature of the Bill and it is similar to others passed in this House in recent years, to facilitate the corporate restructuring of lending institutions.

2670

Mr Speaker, the Yorkshire Building Society remains an important part of our sector. They remain committed to Gibraltar and the Government believes that it is appropriate for this House to assist them in this way by the passage of the Bill.

I commend the motion to the House, Mr Speaker.

2675

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Albert Isola. I now put the question in the terms of the motion proposed by the Hon. Albert Isola. Those in favour? **(Members: Aye.)** Those against? Carried.

2680

**PRIVATE MEMBERS' BILL  
FIRST AND SECOND READING**

**Yorkshire Building Society Bill 2013  
First Reading approved**

2685

**Clerk:** Private Members' Bill, First and Second Reading. A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society. The Hon. A J Isola.

2690

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society and the Yorkshire Building Society be read a first time.

2695

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

2700

2705 **Clerk:** The Yorkshire Building Society Act 2013.

2710 **Yorkshire Building Society Bill 2013**  
**Second Reading approved**

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

2715 Mr Speaker, as a result of the transfer engagements taking effect in November 2011 under the Law of England and Wales, Norwich and Peterborough merged with Yorkshire Building Society and the merged society continued as the Yorkshire Building Society.

2720 That transfer of engagements did not, and could not, operate to change the legal position in Gibraltar and accordingly, although Norwich and Peterborough no longer existed after 1st November 2011, those of its assets and liabilities which before 1st November were subject to the law of Gibraltar, continued to be so subject after that date.

The primary purpose of this Bill is to rectify this position with effect from the date referred to in the Bill as the appointed day – that is to say, a date to be appointed by myself as the Minister with responsibility for Financial Services.

2725 There is just one section of the Bill, Mr Speaker, which has retrospective effect, and that is section 9 to which I will refer specifically later. None of the other provisions in this Bill have any retrospective effect.

Section 1 is formal and in common form, Mr Speaker.

In section 2, subsection (1) defines the two societies. Sub-section (2) defines a number of the terms used in the Bill.

2730 Section 3, Mr Speaker, is a fundamental provision under which, on the appointed day, every Norwich and Peterborough asset will become an asset of the YBS, the Yorkshire Building Society, in respect of its Gibraltar branch. This provision is similar to that in previous banking transfer Bills.

2735 Section 4, Mr Speaker, again is similar to provisions in previous banking transfer Bills and excludes certain assets from the effect of section 3. Specifically paragraph (a) deals with interests in land other than those which are held by way of security, in effect, on the mortgages.

Section 5, Mr Speaker, deals with a variety of documents which on their face relate to the Norwich and Peterborough. With effect from the appointed day, these are made to relate to the Yorkshire Building Society. This section and section 6 are similar to provisions in previous banking transfer Bills.

2740 Section 6 deals with customer accounts which up to the appointed day were accounts of the Norwich and Peterborough. Under subsection (1) these accounts become accounts of the Yorkshire Building Society, subject to the same conditions that applied before the appointed day.

Section 7 again is well precedented in early banking transfer Bills and deals with disparate matters all designed to give a smooth transition from Norwich and Peterborough to the Yorkshire Building Society.

2745 Section 8 deals with proceedings which have been begun in error by Yorkshire Building Society before the appointed day and which, in the opinion of the court concerned, relate wholly or principally to the establishment or enforcement of a Norwich and Peterborough asset.

2750 Mr Speaker, section 9 is the one provision in the Bill which has a retrospective effect. This is because it works in favour of people who are mortgagors of Norwich and Peterborough and as they thought, took steps to repay their mortgages. In such a case, the Yorkshire Building Society will have purported to release a mortgage, which was originally a mortgage from the Norwich and Peterborough. The former mortgagor will have relied on this release, although Yorkshire Building Society did not in law have the power at that time to release the mortgage.

2755 If there were no retrospection in these limited cases, the whole matter of the release and consequential dealings, for example by a purchaser from the former mortgagor would be void, and would have to be reopened with the consequential costs and no doubt, distress. It is a condition of the operation of the section that the mortgagor consented in writing to the release.

2760 Section 10 is common form in banking transfer Bills, Mr Speaker, and in the case of this Bill, it provides the Yorkshire Building Society will meet the Government's expenditure in connection with the introduction and enactment of the Bill, the amount of the expenditure to be set by myself, as the Minister with responsibility for Financial Services.

I commend the Bill to the House, Mr Speaker.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2765 In that case, I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a second time. Those in favour: (**Members:** Aye.) Those against? Carried.

2770 **Clerk:** The Yorkshire Building Society Act 2013.

**Yorkshire Building Society Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

2775 **Hon. A J Isola:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2780 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

2785 **Yorkshire Building Society Bill 2013**

**Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

2790 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Yorkshire Building Society Bill 2013.

2795 *In Committee of the whole Parliament*

2800 **Yorkshire Building Society Bill 2013**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society.  
Clauses 1 to 10.

2805 **Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

2810 **Mr Chairman:** Stand part of the Bill.

**BILLS FOR THIRD READING**

2815 **Yorkshire Building Society Bill 2013**  
**Third Reading approved: Bill passed**

2820 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Yorkshire Building Society Bill 2013 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

2825 **Mr Chairman:** I now put the question, which is that the Yorkshire Building Society Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

2830 **ADJOURNMENT**

**Good wishes to all for Christmas and the New Year 2014**

2835 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

2840 And in doing so, of course Mr Speaker, although we are conscious as in all Parliaments that perhaps sometimes the workings of this Parliament descend into almost a festive farce, with people saying on either side, 'Oh yes he does, oh no he doesn't!' to each other, there is of course a great deal of personal affection, I hope between us all, and I would like to thank all Members of the House for the work they have done this year in their respective roles, and in particular yourself and your staff for having the patience to put up with all of us, and wish every Member of this House and our wider community a very merry Christmas and a very happy, healthy and prosperous 2014. (*Banging on desks*)

2845 **Hon. D A Feetham:** Well, Mr Speaker, it is a judicious statement that I can associate myself with, on behalf of the Opposition. (*Banging on desks*)

2850 **Mr Speaker:** May I wish all hon. Members a very joyful Christmas and a Happy New Year, and also extend those wishes to members of the staff, and indeed the Royal Gibraltar Police who are always in attendance when we are in session, and of course the members of the press.

I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

2855 The House will now adjourn *sine die*.

*The House adjourned at 1.17 p.m.*